

# FREEDOM OF INFORMATION AWARENESS AND HANDLING POLICY

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<b>Author</b>		Freedom of Information Officer	<b>Date</b>
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**CONTENTS**

<b>1.</b>	<b>INTRODUCTION</b> .....	<b>3</b>
	1.1. Rational.....	3
	1.2. Scope.....	3
	1.3. Principles .....	3
<b>2.</b>	<b>POLICY</b> .....	<b>4</b>
	2.1. Publication scheme.....	4
	2.2. Requests for information.....	4
	2.3. Supplying information .....	4
	2.4. 2.4 Fees.....	5
	2.5. Exemptions .....	5
	2.6. Recording request information and responses .....	6
	2.7. Appeals and complaints.....	6
<b>3.</b>	<b>ROLES AND RESPONSIBILITIES</b> .....	<b>6</b>
	3.1. Chief Executive .....	6
	3.2. FOI Officer .....	6
	3.3. All HDFT employees .....	7
<b>4.</b>	<b>CONSULTATION PROCESS</b> .....	<b>7</b>
<b>5.</b>	<b>REFERENCE DOCUMENTS</b> .....	<b>7</b>
<b>6.</b>	<b>EQUALITY AND DIVERSITY</b> .....	<b>7</b>
<b>7.</b>	<b>RATIFICATION PROCESS</b> .....	<b>7</b>
<b>8.</b>	<b>IMPLEMENTATION PROCESS</b> .....	<b>7</b>
	8.1. Training.....	7
	8.2. Publication and Distribution .....	8
	8.3. Communication .....	8
	8.4. Access .....	8
	8.5. Storage Media .....	8
<b>9.</b>	<b>MONITORING, AUDIT AND FEEDBACK PROCESS</b> .....	<b>8</b>
<b>10.</b>	<b>REVIEW PROCESS</b> .....	<b>8</b>
<b>11.</b>	<b>GLOSSARY OF TERMS</b> .....	<b>9</b>
<b>12.</b>	<b>APPENDICES</b> .....	<b>9</b>
	12.1. Consultation Summary.....	9
	12.2. Monitoring, Audit and Feedback Summary.....	9

## **1. INTRODUCTION**

### **1.1. Rational**

Harrogate and District NHS Foundation Trust (hitherto referred to as 'HDFT 'or 'the Trust') recognises the importance of the Freedom of Information (FOI) Act 2000. The Freedom of Information Act came into force on 1 January 2005 and deals with access to official information. The Act provides individuals or organisations with the right to request information held by a public authority which they can do by letter, email or fax.

The legislation is governed by the Information Commissioner's Office (ICO) via [www.ico.gov.uk](http://www.ico.gov.uk).

This policy outlines the Trust's commitment to providing information requested under the Act, provision of the statutory publication scheme and ensuring information requests can be fulfilled in a structured and timely manner. This latter point is particularly relevant with consideration to the 20 working day legal limit for responding to requests for information.

### **1.2. Scope**

The scope of this policy relates to all activity to both maintain the Trust's approved FOI publication scheme as well as the process to respond to, and manage requests for information under the Act.

### **1.3. Principles**

At all times, Trust staff will be required to respond to requests for information with due attention to the legal requirements of the Act and assist the FOI Officer with diligence at all times.

## **2. POLICY**

### **2.1. Publication scheme**

A publication scheme is a public commitment to make certain information routinely available. All publication schemes must be approved by the Information Commissioner and the information contained within a scheme should be reviewed by authorities regularly to ensure it is accurate and up to date.

HDFT has adopted the model publication scheme as outlined on the ICO website [www.ico.gov.uk](http://www.ico.gov.uk) by which information can be accessed via the HDFT website at [www.hdft.nhs.uk](http://www.hdft.nhs.uk) and using the links to the FOI section.

### **2.2. Requests for information**

Requests for information not routinely provided via the publication scheme can be received by the Trust by letter or email to the FOI Officer. A designated FOI email address has been established for this purpose; ([foi@hdft.nhs.uk](mailto:foi@hdft.nhs.uk)).

Requests under the Act must be responded to within 20 working days.

If requests for information under the FOI Act are received by any other colleague in the Trust, other than the FOI Officer, these should be forwarded to the FOI Officer immediately. Responses to FOI requests should not be made by any other colleague beyond the FOI Officer.

Requests for personal information are not covered by the FOI Act and at such a time requests of this nature are received they will be forwarded to the Trust's Data Protection Officer.

'Round Robin' requests for information would be identified through collaboration with FOI Officers and Information Governance Teams at CCGs and other Trusts.

'Freedom of Information Requests' will be a monthly agenda item at Executive Director Team meetings. At this meeting, the Freedom of Information Officer will highlight any requests of which they feel Directors need to be made aware.

### **2.3. Supplying information**

As advised by the ICO, HDFT has adopted a standardised approach to the supply of information / issuing responses via the use of a letter template for use in either word or email format. These are held by the FOI Officer on the Trust's IT system.

On receipt of a request the Trust may need to clarify certain elements of the request and at such a time, in accordance with the terms of the Act, the 20 working day limit will start once the clarification has been received.

Information must generally be provided in the format outlined by the applicant e.g. by email or hard copy, unless a fee is applicable for the copying and provision of the information (see section 2.4 Fees below).

The Trust will undertake an annual satisfaction survey with FOI applicants to assess the quality of the service and responses offered. A copy of the survey can be obtained from the FOI Officer.

## **2.4. 2.4 Fees**

A public authority to whom a request for information is made may notify the applicant requesting the information that a fee is applicable (this is referred to in the Act as a “fees notice”) to comply with the request.

Where a fees notice has been given to the applicant, the public authority is not obliged to comply with a request unless the fee is paid within the period of three months beginning with the day on which the fees notice is given to the applicant. Fees must be determined by the Trust in accordance with regulations outlined in the Act.

## **2.5. Exemptions**

Certain information is exempt from disclosure under the Act under the following areas:

- Commercial Interest (Section 43)
- Communications with Her Majesty and the Awarding of Honours (Section 37)
- Defence (Section 26)
- Economy (Section 29)
- Effective Conduct of Public Affairs (Section 36)
- Health and Safety (Section 38)
- Information contained in Court Records (Section 32)
- Information intended for Future Publication (Section 22)
- Information provided in Confidence (Section 41)
- Information reasonably accessible to the Applicant by other Means (Section 21)
- International Relations (Section 27)
- Investigations (Section 30)
- Law Enforcement (Section 31)
- Legal Professional Privilege (Section 42)
- Parliamentary Privilege (Section 34)
- Personal Information (Section 40)
- Policy Formulation, Ministerial Communications, Law Officers' Advice and the Operation of Ministerial Private Office (Section 35)
- Prohibitions on Disclosure (Section 44)
- Public Audit (Section 33)
- Relations within the UK (Section 28)

Full details of all exemptions are included in the Act itself, in addition, the ICO website ([www.ico.org.uk](http://www.ico.org.uk)) provides detailed guidance on exemptions under the Act and provides relevant guidance to Trusts in how to respond in such cases.

## **2.6. Recording request information and responses**

An ongoing log of requests will be held by the FOI Officer and contain the following information:

- The date the request was received
- When day one of the 20 working day clock begins and when day 20 will fall
- Other Trust departments / individuals contacted regarding the request
- The date the response was made
- 
- How many days taken to fulfil the request

A report containing this information and analysis of the requests received and responded to will be published on an annual basis by the FOI Officer. The report will be presented at a Board of Directors meeting.

## **2.7. Appeals and complaints**

On the standard response communication, all those who request information will be advised that they can make an appeal or complaint to the Trust in relation to the manner in which their request has been handled.

Guidance from the Information Commissioner's Office suggests that all public bodies advise those making a request that should they be dissatisfied with the response provided, they can contact the FOI Officer again for further information. In addition, under the terms of the Freedom of Information Act 2000 they are also able to make a formal complaint regarding the handling of their information request. Complaints will be handled in accordance with the Trust's policy on handling complaints and that the complaint should be put in writing and addressed to the Chief Executive of the Trust.

In addition, if they believe Harrogate and District NHS Foundation Trust has not dealt with their complaint properly, they can contact the Information Commissioner. They are advised to do this as soon as possible or in any case within two months following the final response of the Foundation Trust. This can be done online at [www.ico.gov.uk](http://www.ico.gov.uk) or in writing to FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## **3. ROLES AND RESPONSIBILITIES**

### **3.1. Chief Executive**

The Chief Executive is responsible for ensuring the Publication Scheme is in place and that processes are followed to respond to FOI requests as outlined in this policy.

### **3.2. FOI Officer**

The responsibility of responding to requests received under the FOI Act lies with the Trust's designated FOI Officer and such responsibilities fall within the job description of the Head of Corporate Affairs.

### **3.3. All HDFT employees**

During the course of preparing a response, the FOI Officer will be required to liaise with colleagues across the Trust to obtain specific information for requests. The FOI officer will provide a full brief to relevant colleagues in terms of the information required and advice and assistance with regard to how the response process will be handled.

It is the responsibility of all Trust staff approached by the FOI Officer to respond in a timely manner with reference to the 20 working day legal limit and full consideration to the nature and content of the request. The importance of responding to FOI's promptly will be clearly communicated

## **4. CONSULTATION PROCESS**

In compiling this policy, consultation was undertaken with key colleagues across the Trust who have knowledge or expertise in the area of the FOI Act or information governance measures, as outlined in appendix 12.1.

## **5. REFERENCE DOCUMENTS**

In compiling this policy full reference has been obtained from the ICO office via the online facility at [www.ico.gov.uk](http://www.ico.gov.uk) including reference to the Act itself via [www.opsi.gov.uk](http://www.opsi.gov.uk)

In addition, reference has also been made to the HDFT document library operation policy which outlines how documents placed on the document library should be classified for release under FOI.

## **6. EQUALITY AND DIVERSITY**

This policy adheres to the Equality and Diversity Strategy by reflecting its beliefs and aims in order to ensure that the policy is implemented in a non discriminatory and appropriate way.

## **7. RATIFICATION PROCESS**

The policy will be ratified by the Trust's Information Governance Steering Group.

## **8. IMPLEMENTATION PROCESS**

### **8.1. Training**

Training with regard to the scope and awareness of the Act will be undertaken by the FOI Officer and other staff working on Freedom of Information issues.

Training and awareness of the Act for all HDFT employees is undertaken at the point of induction for newly appointed Trust employees.

The FOI Officer will then be responsible for briefing other colleagues involved in formulating and supply of information for requests as to the nature and requirements of the request in order for the applicant to be provided with the information they require.

## **8.2. Publication and Distribution**

The policy will be available on the Trust's document management system and a copy will be held by the Trust's FOI Officer.

## **8.3. Communication**

The topic of the FOI Act will be outlined as part of the Trust's induction process and included in the Trust's Induction Handbook. In addition, an information leaflet was provided to all existing staff when the Act came into force to ensure they were aware of the scope of the Act and how the Trust handles requests for information.

Information on handling FOI requests will be circulated to staff annually via Team Brief, Trust News and the Daily Notices email Bulletin.

## **8.4. Access**

Copies of this document will be available via the intranet. Requests for this policy in an alternative language or format (such as Braille, audiotape, large print etc) will be considered and obtained whenever possible.

## **8.5. Storage Media**

The current policy will be available on the Trust intranet for read only access. Subsequent versions of the policy will be stored on the document library and previous versions will be archived.

## **9. MONITORING, AUDIT AND FEEDBACK PROCESS**

The monitoring, audit and feedback process is summarised in Appendix 2.

## **10. REVIEW PROCESS**

This policy will be reviewed every three years, or at such a time that the FOI Act itself is revised or updated.

## 11. GLOSSARY OF TERMS

FOI Act – Freedom of Information Act, the legislation relevant to this policy

ICO – Information Commissioner’s Officer, the body Responsible for adherence by public bodies to the Act.

## 12. APPENDICES

### 12.1. Consultation Summary

<p><b>Those listed opposite have been consulted and comments/actions incorporated as required.</b></p> <p>The author must ensure that relevant individuals/groups have been involved in consultation as required prior to this document being submitted for approval.</p>	<p><b>List Groups and or Individuals Consulted</b></p>
	FOI Officer
	IM&T Project Manager
	Data and Information Governance Steering Group

### 12.2. Monitoring, Audit and Feedback Summary

Audit/ Monitoring Criteria e.g.	Audit / Monitoring questions	Audit / Monitoring performed by	Audit / Monitoring frequency	Audit / Monitoring reports distributed to	Action plans approved and monitored by
Systems in place to receive FOI requests	Are policies kept up to date?	FOI Officer	Annually	Director Team, Information Services, IM&T Project Manager	Data and Information Governance Steering Group
Systems in place record all FOI requests and manner in which response made	Is policy prescriptive and systems adhered to?	FOI Officer	Annually	Director Team, Information Services, IM&T Project Manager	Data and Information Governance Steering Group

Freedom of Information Awareness and Handling Policy

Systems in place to advise required HDFT staff of requests and record how and when responses are made	Are ongoing recoding systems and regular reports compiled regarding requests received and response information?	<b>FOI Officer</b>	<b>Annually</b>	Director Team, Information Services, IM&T Project Manager	Data and Information Governance Steering Group
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