

## Freedom of Information Policy

including Environmental Information Regulation (EIR)

<b>Author(s) Owner(s)</b>	Author: Mark Crisp and Natalie Hughes, Complaints/PALS/FOI Managers Owner: Company Secretary/Director of Governance Director and Senior Information Risk Owner (SIRO)
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<b>Document Details</b>	
<b>Title</b>	<b>Freedom of Information Policy</b>
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Main points the document covers	This policy details the arrangements for handling Freedom of Information requests received by the Trust including roles and responsibilities of the key staff involved.
Who is the document aimed at?	All staff including Departmental Managers and Service Leads
Owner	Company Secretary/Director of Governance and Senior Information Risk Owner (SIRO)
<b>Approval process</b>	
Who has been consulted in the development of this policy?	Company Secretary/Director of Governance/Senior Information Risk Owner (SIRO), Information Governance Manager, Freedom of Information Manager and members of the DSPAG
Approved by (Committee/Director)	Data Security and Protection Assurance Group (DSPAG)
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Lead Director	Company Secretary/Director of Governance/SIRO
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**Freedom of Information Act (including EIR)****1. Introduction*****What is the Freedom of Information Act?***

This legislation provides public access to information held by public authorities. It does this in two ways:

1. public authorities are obliged to publish certain information about their activities; and
2. members of the public are entitled to request information from public authorities.

***Important note:*** The Freedom of Information Act 2000 is “challenged with the task of reversing the working premise that everything is secret, unless otherwise stated, to a position where everything is public unless it falls into specified excepted cases”. (Lord Chancellor’s first Annual Report on the implementation of the Freedom of Information Act 2000; November 2001).

*This entitles legal access to non-personal information as a right.*

The Trust recognises the importance of this legislation and to assist organisational compliance with the Act the Trust will endeavour to ensure that:

- The public has access to information on how the Trust is organised and run, what services are provided, the standards of these services, the targets set and the results achieved.
- The majority of information is made available through the Trust Website and Publication Scheme
- Other information is readily available on request unless an exemption under the Freedom of Information Act applies.

This covers all records created in the course of the business of the Trust, i.e., corporate records which are also public records under the terms of the Public Records Acts 1958 and 1967. This may include Email messages and other electronic records.

The Trust will also comply with the Environmental Information Regulation (EIR) legislation under this policy and handle requests as set out in this policy.

The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities. The Regulations do this in two ways:

- public authorities must make environmental information available proactively;
- members of the public are entitled to request environmental information from public authorities.

**2. Managing Freedom of Information Requests**

Under the Freedom of Information Act the Trust must assign specific responsibilities as outlined below:

- The Chief Executive has ultimate responsibility;
- The Director of Governance is accountable;

- The Information Governance Manager is responsible for oversight of compliance;
- The operational work for processing requests is undertaken by the Freedom of Information Manager.

All Trust staff have a responsibility to ensure that the legislation is complied with and that they are aware of, understand and implement the processes and training requirements within this document.

**The Information Governance Manager** is responsible for:

- Oversight of the Trust's Publication Scheme.
- In conjunction with the Freedom of Information Manager, promoting awareness and deliver training across the organisation.
- Ensuring that the Trust has a robust process in place to enable the general public to access information about their rights under the Act.
- Assist with investigations, reviews and appeals.
- Liaise with other colleagues responsible for information handling activities, e.g. Caldicott Guardian, Records Manager, Data Protection Team, Information Security Manager.

**The Freedom of Information Manager** is responsible for:

- The Freedom of Information Manager is responsible for undertaking the operational work of processing FOI and EIR requests received by the Trust, including raising risks and issues.
- To manage and co-ordinate the maintenance of a Publication Scheme.
- Receiving, registering, monitoring, tracking and responding to all requests in accordance with the respective legislation.
- Ensuring that the final response does not disclose personal identifiable data and meets the ICO Anonymisation code of practice
- Publishing anonymised response to common requests on the Trust's website under the Trust's disclosure log ([FOI disclosure log \(shropscommunityhealth.nhs.uk\)](https://shropscommunityhealth.nhs.uk))
- Reporting via the Trust's Information Governance Framework.
- The provision of a central point of contact at the Trust for all requests.
- Providing support and advice to the public and Trust staff.
- Promoting transparency.
- Liaising with nominated Managers across the Trust regarding processing requests.
- Liaising with and co-ordinating responses that may be linked with other organisations e.g. Local Authority.
- Initiate and co-ordinate the Trust process if any charges are to be incurred.
- Establish and Chair the Advisory Panel if an exemption is to be considered and informing the Lead Director of the outcome. The Advisory Panel will consist of the FOI Manager and the Information Governance Manager or Risk Manager.
- Manage the process and support investigations, reviews and appeals.
- In conjunction with the Information Governance Manager, promote awareness and deliver appropriate training across the organisation, including specialist training.

- Liaising with other colleagues responsible for information handling activities, e.g. Caldicott Guardian, Records Manager, Data Protection Team, Information Security Manager.

**The Trust's Directors, Departmental Managers and Service Leads** are responsible for ensuring that:

- Their service/department/team complies with legislation in handling requests and maintaining a Publication Scheme in accordance with the legislation.
- Information not included within the Scheme is created and stored in accordance with Trust procedures and processes to enable easy access when required
- Staff understand the requirement to release information to the Freedom of Information Manager as part of the Trust process.

**There are nominated Freedom of Information Liaison Managers** in services/departments who are responsible for:

- Notifying the Freedom of Information Manager of any changes in the points of contact for their service in this respect.
- Identifying and releasing information within their department or service area when requested to do so by the Freedom of Information Manager
- Advising the Freedom of Information Manager straight away if the information is not available
- Checking the content of this information for any excluded material (e.g. personally identifiable information) which must be removed before passing to the Freedom of Information Manager
- Responding to requests and providing the information to the Freedom of Information Manager in a timely manner to enable compliance with the 20 working day requirement.
- Seeking appropriate advice and guidance with regards to applying exemptions to disclosures, in particular information that may put the Trust at risk in terms of cyber security and commercial sensitivity.

### **3. Legal Obligations under Freedom of Information**

#### ***Publication Scheme***

Under the Act the Trust is required to publish and maintain a Publication Scheme.

This must include the classes of information published, or intended to be published. The scheme is available on the Trust website [Freedom of Information - how to make a request \(shropscommunityhealth.nhs.uk\)](https://shropscommunityhealth.nhs.uk)

Hard copies of the Publication Scheme are available to the public upon request.

#### ***Freedom of Information Charges***

In most cases the Trust will not charge a fee for documents contained within its Publication Scheme. However, fees may be charged in accordance with the Fees Regulations published by the Ministry of Justice up to a maximum of £450. For further advice contact the Freedom of Information Manager.

**Exemptions**

The rights within the Freedom of Information Act may be limited when exemptions apply, such as:

- Absolute Exemption
- Vexatious Request
- Repeated Requests

The Trust will ensure that these types of requests are processed in accordance with the Act and notify requesters whether information is held or not by confirming or denying appropriately.

Staff should seek advice and guidance from the Freedom of Information Manager in this respect.

**Terms and Conditions of Re-use**

Information supplied under the Freedom of Information Act is subject to the Trust's copyright unless otherwise indicated. It may be reproduced free of charge in any format or medium, unless expressly indicated to the contrary, provided:

- it is reproduced accurately and not used in a misleading manner
- the source is identified and the Trust's copyright is acknowledged
- it is not used for the principal purpose of advertising or promoting a particular product or service

This permission does not extend to any material which is the copyright of third parties. You must obtain authorisation to reproduce such material from the copyright holders concerned.

As re-use requests will normally accompany a Freedom of Information request, the cost of providing the information will be covered by the Trusts' Freedom of Information charging policy and there will be no additional charge for re-use.

**4. Reviews, Appeals and Complaints**

- Appeals against decisions not to supply exempt information should be made to the Freedom of Information Manager. A procedure for dealing with complaints, reviews and appeals through an Advisory Panel
- Individuals are also free to contact the Information Commissioner directly:

Information Commissioner's Office (ICO)

Wycliffe House, Water Lane

Wilmslow, Cheshire, SK9 5AF

Fax: 01625 524 510 Tel: 0303 123 1113 Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)



## 5. Glossary

Term/Abbreviation	Explanation/Definition
FOIA	Freedom of Information Act 2000
EIR	Environmental Information Regulation
ICO	Information Commissioner's Office

Specialist Contact:

Freedom of Information Manager  
Shropshire Community Health NHS Trust  
Ptarmigan House, Sitka Drive  
Shrewsbury Business Park  
Shrewsbury SY2 6LG

Tel No: 01743 277689

Email: [shropcom.foi@nhs.net](mailto:shropcom.foi@nhs.net)