

Freedom of Information Act Policy and Procedure

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| Document No. | WHC 08:26 | Version No. | 1.0 |
| Approved by | Information Governance Policy and Oversight Group | Date Approved | 24/09/2021 |
| Ratified by | Policies and Procedures Group | Date Ratified | 19/10/2021 |
| Date Implemented | 05/11/2021 | Next Review Date | 19/10/2024 |
| Status | Ratified | | |
| Target Audience (who does the document apply to and who should be using it) | Wiltshire Health and Care staff | | |
| Accountable Director | Director of Infrastructure | | |
| Document Author/Originator – Any comments on this document should, in the first instance, be addressed to whc.policyqueries@nhs.net | IG Manager and Data Protection Officer | | |
| If developed in partnership with another agency, ratification details of the relevant agency | | | |
| Is this Policy/Procedure available for release under Freedom of Information | Yes If yes, date uploaded to WHC website: | | |
| Key Words, including abbreviations/acronyms within the text, which will assist staff when searching for documents or subjects. | Freedom of Information Act 2000 / Environmental Information Regulations 2004 / FOI / FOIA / EIR / Transparency / Disclosure | | |

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Equality Impact and Parity of Esteem

Wiltshire Health and Care staff strive to ensure equality of opportunity and parity of esteem for all service users, local people and the workforce. As an employer and a provider of health care, we aim to ensure that none are placed at a disadvantage as a result of its policies and procedures. This document has therefore been equality impact assessed in line with current legislation to ensure fairness and consistency for all those covered by it regardless of their individuality. This means all our services are accessible, appropriate and sensitive to the needs of the individual.

References: NHS England 'Everyone Counts: planning for patients 2014-15 / 2018-19' and The Mental Health Crisis Care Concordat (DH 2014).

| Name of the policy / procedure / project / strategy / proposal: | | | |
|--|----------|---------|-----|
| Freedom of Information Act Policy and Procedure | | | |
| The principles of equality, diversity and inclusion are fundamental to the successful delivery of patient care and underpin our vision of best care for everyone. We're committed to designing and delivering our services around the needs of individual patients and their families. We use Equality Impact Assessments (EIAs) to help us look at what impact an existing or proposed policy, procedure, practice or service is likely to have on different groups of people. They aim to eliminate discrimination and improve equality. EIAs assess a number of important areas, including race, disability and gender. | | | |
| Is there a disproportionate/negative impact? | Tick One | | |
| | No | Neutral | Yes |
| Age | X | | |
| Disability | X | | |
| Gender Reassignment | X | | |
| Sexual Orientation | X | | |
| Marriage and Civil Partnership | X | | |
| Race – including Nationality and Ethnicity | X | | |
| Pregnancy and Maternity | X | | |
| Religion or Belief | X | | |
| Sex | X | | |
| Health Inequalities | X | | |
| What are you proposing to do? | | | |
| This policy sets out Wiltshire Health and Care's legal obligation to comply with the Freedom of Information Act 2000, in providing access to the public, service users, staff, journalists and anybody else who wishes to see Wiltshire Health and Care's information. | | | |

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Why are you doing it?

The Freedom of Information Act 2000 provides clear statutory rights granting the public access to recorded information held by Public Authorities, subject to certain exemptions as outlined in the Act.

Who is intended to benefit from this proposal?

All staff, public and patients will benefit from the promotion of a culture of openness and accountability of public sector bodies.

What equality issues or impacts have you identified?

None

What do you propose to do to manage the impacts?

N/A

Potential mitigating actions – summary of actions

N/A

| | |
|---------------------|--------------------|
| Completed by | Steven Lobb |
| Date | 24/08/2021 |

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Safeguarding

Wiltshire Health and Care has a strong commitment to care that is safe, of a high quality and that upholds our patients' rights. All our patients have the right to live lives free from abuse or neglect and, where they are able to, to make or be supported to make informed decisions and choices about their treatment, care and support. Where patients are not able to make their own decisions, Wiltshire Health and Care staff are committed to ensuring that treatment, care and support is undertaken in accordance with the person's best interests. In order to fulfil these commitments, Wiltshire Health and Care follow the Safeguarding principles and responsibilities laid out in sections 42-46 of the Care Act (2014) and are informed by, and apply, the guiding principles and provisions of the Mental Capacity Act (2005) (refer to Wiltshire Health and Care Safeguarding Adults Policy and Procedure, and Mental Capacity Act Policy and Procedure). Regarding children, WHC is responsible for providing services in accordance with Section 11 of the Children's Act (1989) and works under the principles of Working Together to Safeguard Children (2018).

Special Cases

None

1. Instant Information

The Freedom of Information Act 2000 and Environmental Information Regulation 2004 are part of the Government's commitment to greater openness in the public sector. They further this aim by helping to transform the culture of the public sector to one of greater openness. It enables members of the public to question the decisions of public authorities more closely and ensure that the services we provide are efficiently and properly delivered.

Wiltshire Health and Care (WHC) support greater openness and transparency about the organisation, our role in providing health care for the local population and our accountability for decision making.

WHC will ensure that in developing transparency arrangements individuals will continue to have a right to privacy and confidentiality. This Policy does not overturn the common law duties of confidence or statutory provisions that prevent disclosure of personal identifiable information. The release of such information is covered by the subject access provisions of the Data Protection Act 2018 and the General Data Protection Regulation and is dealt with in the Subject Access Request Policy and Procedure.

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2. Regulatory/Legal Framework

2.1 Further reading and links to other policies or documents

The following is a list of other policies, procedural documents, or guidance documents (internal or external) to which employees should refer for further details:

| Ref. No. | Document Title | Document Location |
|----------|--|------------------------------------|
| 1 | Freedom of Information Act 2000 | www.legislation.gov.uk |
| 2 | Environmental Information Regulations 2004 | www.legislation.gov.uk |
| 3 | Information Commissioners Office, Codes of Practice | www.ico.org.uk |
| 4 | Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 | www.legislation.gov.uk |
| 5 | Freedom of Information – Section 45 Code of Practice 2004 | www.gov.uk/government/publications |
| 6 | Intellectual Property Act 2014 – Section 20 | www.legislation.gov.uk |
| 7 | Care Act 2014 – Section 92 | www.legislation.gov.uk |
| 8 | Data Protection Act 2018 | www.legislation.gov.uk |
| 9 | General Data Protection Regulations | www.legislation.gov.uk |

3. Document Details

3.1 Introduction and purpose of the document

This policy sets out Wiltshire Health and Care's legal obligation to comply with the Freedom of Information Act 2000 and Environmental Information Regulations 2004, in providing access to the public, service users, staff, journalists and anybody else who wishes to see Wiltshire Health and Care's information.

All recorded information held by or on behalf of WHC is within the scope of the FOIA. The legislation applies regardless of the age, format, origin or classification of information. It covers information in files, letters, databases, loose reports, emails, office notebooks, videos, photographs, wall charts, maps etc. It extends to closed files and archived material as well as information in current use.

Wiltshire Health and Care also has a duty to provide and maintain a publication scheme, detailing information that it holds and how this can be accessed.

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4. Main Document Content Details

4.1 Definitions

| | |
|--|--|
| Dataset | A dataset is a collection of factual information in electronic form to do with the services and functions of the authority that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered. |
| Disclosure Logs | These are copies of previous responses to requests under the Freedom of Information Act. We publish all FOIA responses on our website. |
| Exemptions | These are the legal reasons why an organisation may decide not to release information to an individual upon request. Exemptions fall into two categories; absolute and qualified. |
| Exemption (Absolute) | If the information requested falls under an Absolute Exemption the organisation can deny the request without having to make a judgement on whether it would be in the public interest to do so. The authority is also relieved of its duty to confirm or deny the information it has. |
| Exemption (Qualified) | Sometimes known as 'balanced exemptions', or 'public interest test exemptions.' All require a judgement to be made on whether the public interest in releasing the information outweighs that in withholding it. A separate judgement must be made on whether it is in the public interest to confirm or deny what information is held. In some cases an authority will judge it to be in the public interest to confirm what it has, but not to release it. |
| Freedom of Information Act (FOIA) | The Freedom of Information Act 2000 came into force in January 2005 and is intended to make information held by public authorities available to the public to demonstrate transparency and encourage openness. |
| Environmental Information Regulations (EIR) | The Environmental Information Regulations 2004 (EIR) give rights of public access to environmental information held by public authorities. |
| Information Commissioner's Office (ICO) | The Information Commissioner's Office is the regulator responsible for ensuring that organisations covered by FOIA adhere to the legislation. |
| Public Authorities | The Freedom of Information Act only applies to public authorities as defined in the Act and includes companies that are wholly owned by public authorities. |
| Public Interest Test | The public interest test is undertaken when a qualified exemption is being considered to justify withholding information from a requester. In such cases, the information may be withheld only if the public authority considers that the public interest in withholding the information is greater than the public interest in disclosing it. |
| Publication Scheme | The publication scheme sets out the information that the public authority makes routinely available and assists the public in finding the information required. This is available from the organisation's website. |
| Qualified Person | Section 36 of the FOIA exempts information whose disclosure would be likely to prejudice the effective conduct of public affairs. The exemption can only be used if a Qualified Person thinks that the disclosure would have the specified effects. |
| Vexatious Request | Section 1(1) of the FOIA does not oblige a public authority to comply with a request for information if the request is considered to be vexatious. |
| Working Days | It is important to remember that the organisation has 20 working days in which to respond to an FOIA request. Working days do not include the weekends or public holidays in the UK. |

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4.2 Process

4.2.1 Making a request for information (FOIA)

All requests for information must be made in writing. This may be via post or electronically through email. All requests for information must be legible and include a clear description of the information being requested. There is no requirement for the applicant to state the reason for requesting information.

For people who are unable to read or write, or for whom English is not their first language, the organisation will take all reasonable steps to enable them to compose their questions and respond within the provisions of the FOIA.

Requests will usually be directed to the Information Governance Team using the following contact details:

Information Governance Team
Wiltshire Health and Care
Chippenham Community Hospital
Rowden Hill
Chippenham
Wiltshire, SN15 2AJ
Email: whc.legal@nhs.net

However, any member of staff may potentially receive an FOIA request. The recipient should forward the request to the Information Governance Team by email or in person within one working day of receipt.

4.2.2 Making a request for Environmental Information (EIR)

Requests for information that contain an aspect in relation to environmental data will be managed in exactly the same manner as a Freedom of Information Request but fall under the EIR. Requests for information under the EIR may be made verbally or in writing. It is therefore important that all members of staff are aware of these regulations and can identify an EIR request appropriately. Guidance on these requests will be incorporated within the annual mandatory Information Governance Training.

The requester does not have to provide a name and the organisation will consider the provisions of the EIRs in relation to any such cases. Requests will be directed to the Information Governance Team within one working day of receipt of the request.

4.2.3 Acknowledgement and processing of request

Each request is logged onto the FOIA Electronic System by the Information Governance Team and allocated a unique reference number. The Information Governance Team will send an acknowledgement letter (Appendix B) to the applicant within two working days to confirm that their request has been received.

If the request is unclear or further clarity is required, the Information Governance Team will log the request on to the FOIA Electronic System, but it will not be formally accepted until the further information has been provided by the applicant. If the applicant does not respond to a request for further clarity within 20 working days, the request will be closed.

All correspondence in connection with each request for information is filed electronically under the unique reference number.

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The Information Governance Team determines whether the information is already in the public domain and, if so, the response will make clear how this information can be accessed. It may be found on the Wiltshire Health and Care website or already released under the FOIA or EIR and published in the Disclosure Log, available through the Wiltshire Health and Care website.

If the information is not already in the public domain the Information Governance Team will, within two working days, identify and contact the person(s) in the organisation who are most appropriately placed to provide the information requested.

Relevant individuals will have five working days to locate and provide the information to the Information Governance Team. If it is not possible to meet this deadline, for example in the case of a particularly complex request, the Information Governance Team must be informed immediately and up to five additional working days may then be allowed to collate and provide the information.

The Information Governance Team will collate all information and form a Draft Reply (Appendix C). The draft reply will be sent to the IG Manager and Data Protection Officer who will review the information proposed for release and agree the final response.

If any exemptions are applicable the Refusal of Requests (Section 4.3) will be activated. If appropriate, the Information Governance Team will estimate if the cost of compliance would exceed the 'Appropriate Limit' laid down by the FOIA. This appropriate limit is defined as the equivalent of two and a half days or eighteen hours of staff time. This limit does not apply to EIR requests. Please refer to the Charges and Fees (Section 4.4).

4.2.4 Disclosure

Disclosure of information is required within 20 working days from receipt of a valid request. Failure to comply with the legal time frame will constitute a breach of legislation and an incident will be reported on the organisation's incident management system.

All responses will be provided in permanent form or another form acceptable to the applicant. If the organisation is providing information that constitutes a dataset and the requester has expressed a preference to receive the information in electronic form, the public authority must provide it in a re-usable form so far as reasonably practicable.

Once a Final Reply has been approved, the Information Governance Team will issue this response to the applicant. This will be done so via email if this is the route by which the request was received and where it is practical to do so.

All applicants are sent a Satisfaction Survey (Appendix D) with the response, which they are requested to complete and return to the Information Governance Team. All feedback is reviewed and reported to the Information Governance Policy Oversight Group.

Copies of all responses are anonymised and added to the Disclosure Log which is published on the organisation's website.

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4.3 Refusal of requests

4.3.1 Reasons for refusal

A refusal may apply to all, or parts of, the information requested. A request for information may be refused if:

- i. The information is identifiable at an individual level
- ii. The organisation does not hold the information requested
- iii. The information is exempt from disclosure under Part II of the FOIA (See Appendix E – Exempt Information under Part II of the Freedom of Information Act)
- iv. The information is exempt from disclosure under Regulation 12 of the Environmental Information Regulations.
- v. A fees notice or charge has not been paid within 3 months of the fees notice being given
- vi. The cost of compliance exceeds the 'appropriate limit' (under FOIA)
- vii. The request is vexatious or repeated
- viii. Any additional information requested by Wiltshire Health and Care to clarify the request is not provided within 20 working days
- ix. A further request is made within 40 days by the same requester and the information has not changed

4.3.2 Notification of a refusal

If a request is refused, the applicant will be notified of the reasons for this decision within 20 working days and be informed of their right to complain to Wiltshire Health and Care and the Information Commissioner.

Where an exemption has been applied, this will be detailed along with the reason why it is has been applied to the information requested. Where relevant, reference to guidance on the Information Commissioner's Office website will be made.

4.3.3 Public interest test

The exemptions in Part II of the Freedom of Information Act 2000 are 'absolute' or 'qualified'. If the exemption is qualified, the public authority must weigh the public interest in maintaining the exemption against the public interest in disclosure. This is the public interest test.

A public authority can only withhold the information if the public interest in maintaining the exemption outweighs the public interest in disclosure. The public interest here means the public good, not what is of interest to the public, and not the private interests of the requester.

In carrying out the public interest test the authority should consider the circumstances at the time of the request or within the normal time for compliance. Public interest arguments for the exemption must relate specifically to that exemption. The authority must consider the balance of public interest in the circumstances of the request.

If there is a plausible suspicion of wrongdoing on the part of the public authority, this may create a public interest in disclosure. And even where this is not the case, there is a public interest in releasing information to provide a full picture.

In cases where there is Police involvement, such as Police investigations relating to potential crimes, or organisational detections of crimes and civil wrongs, ICO guidance should be considered when applying the public interest tests.

Arguments based on the requester's identity or motives are generally irrelevant, as with vexatious requests. Arguments that the information may be misunderstood if it were released usually carry little weight.

There is a public interest in promoting transparency about the UK government and public authorities, although requesters do not have to be UK nationals or residents.

The authority must consider the relative weight of the arguments for and against disclosure. This can be affected by the likelihood and severity of any prejudice; the age of the information; how far the requested information will help public understanding; and whether similar information is already in the public domain.

Where a qualified exemption applies and the authority does not wish to confirm nor deny that it holds the requested information, the decision to give a 'neither confirm nor deny' response is itself subject to the public interest test.

4.3.4 Qualified person

Section 36 of the FOIA exempts information whose disclosure would be likely to prejudice the effective conduct of public affairs. The exemption can only be used if a Qualified Person thinks that the disclosure would have the specified effects.

The Qualified Person for Wiltshire Health and Care is the Managing Director.

4.4 Charges and fees

4.4.1 FOIA charges and fees

Under the FOIA, Wiltshire Health and Care is entitled to refuse a request to the applicant when providing information would exceed the 'appropriate limit' detailed in the Act. The 'appropriate limit' has been set nationally at £450 and is based on a standard hourly rate of £25 per hour for eighteen hours of staff time.

If the organisation assesses that collating the requested information would exceed the appropriate limit but is willing to comply with the request, the applicant will be notified of this and asked to confirm that they would like to proceed to an estimated cost. At this point, the 'clock' for compliance with the twenty working day timescale stops. It should be noted that in line with the FOIA, Wiltshire Health and Care does not routinely comply with requests which would exceed the appropriate limit.

Upon confirmation from the applicant that they would like to proceed, a Fees Notice will be issued. Applicants will have 3 months, beginning on the day on which the fee notice was issued, to make the payment and upon receipt of this, the 'clock' resumes, and the requested information will be disclosed in accordance with the twenty working day timescale.

If the applicant does not respond to the notice of fees payable, the request will be closed after 3 months from the last contact.

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4.4.2 Publication scheme charges

Any information that can be transmitted by e-mail will be provided free of charge, unless otherwise stated. Leaflets and brochures produced by Wiltshire Health and Care will be provided free of charge. Other “glossy” or bound documents, CD ROMs, videos or other medium, will be subject to a charge equivalent to the costs of production. A price will be given on request to the applicant.

4.5 Third parties

4.5.1 Legal rights of a third party

In some cases, the disclosure of information may affect the legal rights of a third party. Unless an exemption is provided for in the Freedom of Information Act, the organisation is obliged to disclose that information in response to a request.

In cases where disclosure of information cannot be made without the consent of a third party, the Information Governance Team will consult the third party to seek their consent to the disclosure unless such a consultation is not practicable, or the costs of consulting are disproportionate.

A record will be kept of all contacts with third parties regarding consultations and decision making on the disclosure of information that may affect their legal rights.

4.5.2 Third parties working under contract

When entering into contracts Wiltshire Health and Care will not include contractual terms which purport to restrict the disclosure of information held by the organisation and relating to the contract beyond the restrictions permitted by the FOIA. Unless an exemption provided for under the FOIA is applicable in relation to any information, Wiltshire Health and Care will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

It is for Wiltshire Health and Care to disclose information in accordance with the FOIA, and not the non-public authority contractor. The organisation will take steps to protect from disclosure by the contractor, information which Wiltshire Health and Care has provided to the contractor which would clearly be exempt from disclosure under the FOIA, by appropriate contractual terms. To avoid unnecessary secrecy, any such constraints will be drawn as narrowly as possible and according to the individual circumstances of the case. Apart from such cases, Wiltshire Health and Care will not impose terms of secrecy on contractors.

4.5.3 Consultation in non-legal circumstances

Where the interests of the third party do not give rise to legal rights, consultation may still be appropriate. The Information Governance Team will lead any consultation where:

- the views of the third party may assist the authority to determine whether an exemption under the FOIA applies to the information requested; or
- the views of the third party may assist the authority to determine where the public interest lies

The Information Governance Team may consider that the cost of consulting with third parties would be disproportionate. In such cases, they will consider the most reasonable course of action to take within the FOIA and the circumstances of the request.

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Consultation will be unnecessary where:

- Wiltshire Health and Care does not intend to disclose the information relying on some other legitimate basis.
- the views of the third party can have no effect on the decision of Wiltshire Health and Care, for example, where there is other legislation preventing or requiring the disclosure of this information.
- no exemption applies and so the information must be provided.

4.5.4 Consultation with multiple third parties

Where multiple third parties are affected and have a representative organisation that can express their views, the Information Governance Team will consult that representative organisation. If there is no representative organisation, the Information Governance Team may consider that it would be sufficient to consult a representative sample of the third parties in question.

A record will be kept of all contacts with representative organisations or samples for consultations and decision making. If a third party does not respond or refuses to consent, the Information Governance Team will determine whether or not information should be disclosed under the FOIA. A refusal to consent to disclosure by a third party does not mean information should be withheld.

4.6 Publication scheme

Wiltshire Health and Care website is compliant with the Information Commissioner's model publication scheme which sets out the type of information public authorities should publish as a matter of course, such as annual reports and financial information. The publication scheme is reviewed at least annually, and current progress reported to every Information Governance Policy Oversight Group meeting; in addition the publication scheme and FOIA compliance reporting forms part of the annual Information Governance Report submitted to the Wiltshire Health and Care Audit Committee and Executive Committee.

Additionally, a disclosure log is kept of all requests made under this policy. This is updated and published at least fortnightly.

4.7 Complaints, Feedback and Internal Review

4.7.1 Satisfaction surveys

Wiltshire Health and Care is committed to continually striving to provide the best possible service. To help achieve this, all applicants are sent a Satisfaction Survey with the response which they are requested to complete and return to the Information Governance Team. All feedback is reviewed and reported on to the Information Governance Policy Oversight Group.

4.7.2 Internal reviews

Part VI of the Section 45 Code of Practice requires public authorities to have a process in place to ensure that applicants can ask a public authority for an internal review if they are not content with the public authority's decision on release. This is the first review stage for applicants.

If a complaint is received from a dissatisfied applicant, the recipient must contact the Information Governance Team who will confirm to the applicant that the request for review has been received and indicate to them when they should expect a response.

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The Information Governance Manager and Data Protection Officer will then carry out the internal review unless they were involved in the processing of the original request (either as provider of information provider or in the decision-making process) in which case the Wiltshire Health and Care solicitor will perform the internal review.

The internal review must be a fair and impartial review of the decisions made during the original consideration of whether to release information. All internal reviews must consider the information released against the information requested and make a full review of the papers associated with the original application.

The internal reviewer will discuss the decisions made with the staff member, or members, who dealt with the original application to build a full picture as to how decisions were made.

The applicant must be fully informed of the outcome of the internal review. To assist in any further investigations by the Information Commissioner, full records of the review must be kept.

The Information Commissioner's Office advises that most internal reviews should be completed within 20 working days and that only exceptional cases should take longer than this. The ICO considers that no case should take longer than 40 working days.

If it becomes clear at any stage of the internal review that Wiltshire Health and Care will not be able to meet the deadline, the applicant must be advised by the Information Governance Team and a secondary deadline given.

4.7.3 Right to appeal

If the applicant remains dissatisfied with the outcome of the Internal Review they must be informed of their right to appeal to the Information Commissioner:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
www.ico.org.uk

5 Duties and Responsibilities of Individuals and Groups

5.1 Information Governance Manager and Data Protection Officer

The Information Governance Manager and Data Protection Officer is the designated Freedom of Information Officer.

5.2 Information Governance Team

The Information Governance Service provide the routine coordination and management of all requests received, referred to in this policy as the Information Governance Team.

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5.3 Document Author

The document author is responsible for identifying the need for a change in this document as a result of becoming aware of changes in practice, changes to statutory requirements, revised professional or clinical standards and local/national directives, and resubmitting the document for approval and republication if changes are required.

5.4 Target Audience – as indicated on the cover page of this document

The target audience are obliged to adhere to this policy and provide information to the Information Governance Team when requested to do so, in order to support the organisation in complying with this policy and fulfilling legislative requirements.

6 Monitoring compliance and effectiveness of implementation

The arrangements for monitoring compliance are outlined in the table below: -

| Measurable document objectives | Monitoring / audit method | Monitoring responsibility (individual/group /committee) | Frequency of monitoring | Reporting arrangements (committee / group to which monitoring results are presented) | What action will be taken if gaps are identified? |
|---|----------------------------|---|-------------------------|--|---|
| Compliance with legislative time frames | Electronic log | IG Manager and DPO | Continuous | IG POG | Incident reporting |
| Compliance reporting | Documented report | IG Manager and DPO | Quarterly | IG POG | Documented review and action plan |
| Compliance reporting | Documented report | IG Manager and DPO | Annually | Audit Committee | Documented review and action plan |
| Compliance reporting | Documented report | IG Manager and DPO | Annually | Executive Committee | Documented review and action plan |
| Incident Reports | Incident Management System | IG Manager and DPO | Continuous | IG POG | Incident Management |

7 Review Date and Consultation Process

7.1 Review Date

This document will be fully reviewed every 3 years (or after 1 year if the document is new) in accordance with the Wiltshire Health and Care agreed process for reviewing its documents. Changes in practice, to statutory requirements, revised professional or clinical standards and/or local/national directives are to be made as and when the change is identified.

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7.2 Consultation Process

The following is a list of consultees in formulating this document and the date that they approved the document:

| Job Title / Department | Date Consultee Agreed Document Contents |
|---|--|
| Project Manager, Transformation Team | 01/09/2021 |
| Information Governance Officer, IG Team | 20/08/2021 |
| Business and Legal Support Officer, IG Team | 20/08/2021 |

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Appendix A – Quality Impact Assessment Tool

| | | |
|---|---|-----------------|
| Purpose | | |
| To assess the impact of individual policies and procedural documents on the quality of care provided to patients by Wiltshire Health and Care. | | |
| Process | | |
| The impact assessment is to be completed by the document author. In the case of clinical policies and documents, this should be in consultation with Clinical Leads and other relevant clinician representatives. | | |
| Risks identified from the quality impact assessment must be specified on this form and the reasons for acceptance of those risks or mitigation measures explained. | | |
| Monitoring the Level of Risk | | |
| The mitigating actions and level of risk should be monitored by the author of the policy or procedural document or such other specified person. | | |
| High Risks must be reported to the relevant Executive Lead. | | |
| Impact Assessment | | |
| Please explain or describe as applicable. | | |
| 1. | Consider the impact that your document will have on our ability to deliver high quality care. | N/A |
| 2. | The impact might be positive (an improvement) or negative (a risk to our ability to deliver high quality care). | N/A |
| 3. | Consider the overall service – for example: compromise in one area may be mitigated by higher standard of care overall. | N/A |
| 4. | Where you identify a risk, you must include identify the mitigating actions you will put in place. Specify who the lead for this risk is. | N/A |
| Impact on Clinical Effectiveness and Patient Safety | | |
| 5. | Describe the impact of the document on clinical effectiveness. Consider issues such as our ability to deliver safe care; our ability to deliver effective care; and our ability to prevent avoidable harm. | N/A |
| Impact on Patient and Carer Experience | | |
| 6. | Describe the impact of the policy or procedural document on patient / carer experience. Consider issues such as our ability to treat patients with dignity and respect; our ability to deliver an efficient service; our ability to deliver personalised care; and our ability to care for patients in an appropriate physical environment. | N/A |
| Impact on Inequalities, and Parity of Esteem | | |
| 7. | Describe the impact of the document on inequalities in our community. Consider whether the document will have a differential impact on certain groups of patients (such as those with a hearing impairment or those where English is not their first language). | None identified |

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Appendix B – Acknowledgement Letter



Information Governance Team
Wiltshire Health and Care
Chippenham Community Hospital
Rowden Hill
Chippenham
Wiltshire
SN15 2AJ
Email: whc.legal@nhs.net

Reference Number: FOI

Date:

Dear

FREEDOM OF INFORMATION ACT 2000

We have received your request for information as detailed below:

#####

Your request was received on dd/mm/yyyy and Wiltshire Health and Care is managing the request under the requirements of the Freedom of Information Act 2000. The organisation is in the process of collating this information and hopes to be in a position to respond to you shortly.

In some circumstances a fee may be payable and if that is the case you will be advised and a fees notice issued. You will be required to submit your remittance before Wiltshire Health and Care is able to proceed with your request.

If you have any queries about this request, please do not hesitate to contact us.

Yours sincerely

Information Governance Team

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Appendix C – Reply Template



Information Governance Team
Wiltshire Health and Care
Chippenham Community Hospital
Rowden Hill
Chippenham
Wiltshire
SN15 2AJ
Email: whc.legal@nhs.net

Reference Number: FOI

Date:

Dear

FREEDOM OF INFORMATION ACT 2000

Thank you for your request for information as detailed below, together with our reply.

| Your Request | Our Response |
|--------------|--------------|
| | |

If you have any further queries, please contact the Freedom of Information Team.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by Wiltshire Health and Care will have been produced by local officials and will be our copyright. Information you receive which is not subject to our copyright continues to be protected by the copyright of the person, or organisation, from which the information originated. You must ensure that you gain their permission before reproducing any third-party information.

If you are not satisfied with the response to your request, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case and they will decide as to whether your request was managed correctly.

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If you would like to request a review, please write to:

Information Governance Team
Wiltshire Health and Care
Chippenham Community Hospital
Rowden Hill
Chippenham
Wiltshire
SN15 2AJ
Email: whc.legal@nhs.net

If you remain dissatisfied, after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct the organisation to respond to your request differently, if it is considered that your request was handled incorrectly.

You can contact the Information Commissioners Office at the following address:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Wiltshire Health and Care continually strives to provide the best possible service to people who request information using the Freedom of Information Act 2000 legislation. To help achieve this, the organisation would be most grateful if you could complete the Satisfaction Survey available here ([insert hyperlink](#)).

Yours sincerely

Information Governance Team

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Appendix D – Satisfaction Survey



Information Governance Team
 Wiltshire Health and Care
 Chippenham Community Hospital
 Rowden Hill
 Chippenham
 Wiltshire
 SN15 2AJ
 Email: whc.legal@nhs.net

Reference Number: FOI

Freedom of Information Applicant Satisfaction Survey

| | | Yes | No |
|---|--|-----|----|
| 1 | Was your request fully granted under the Freedom of Information Act 2000? | | |
| | If No, were you given any of the qualifying reasons: <ul style="list-style-type: none"> • Personal Information • Commercial Sensitivity • Information is available elsewhere • Guided to the Publication Scheme • Other (please describe) | | |
| 2 | Was your request completed within the required 20- day time frame? | | |
| | If No, were you advised of any extension? | | |
| 3 | Did you find the communication and processes regarding your request under the Freedom of Information Act to be satisfactory? | | |
| | If No, please describe any improvements necessary: | | |
| 4 | Were you satisfied with the information provided to fulfil your request? | | |
| | If No, please describe: | | |
| 5 | Have you had occasion to make a complaint regarding your request? | | |
| | If Yes, was the complaint dealt with to your satisfaction? Please Describe: | | |
| 6 | Would you like to make any other comments regarding the handling of your request under the Freedom of Information Act? | | |
| | If Yes, please use the space below: | | |

Thank you for taking the time to complete the survey, responses will be utilised for service review, please return to the address provided above.

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Appendix E – Exempt information under Part II of the Freedom of Information Act

There are two types of class exemption:

- a) absolute, which do not require a test of prejudice or the balance of public interest to be in favour of non-disclosure.
- b) qualified by the public interest test, which require the public body to decide whether it is in the balance of public interest to not disclose information

Except for s21 (information available by other means) exemptions apply not only to the communication of information but also to the duty to confirm or deny, if that itself would disclose information that it is reasonable to withhold.

The absolute exemptions under the Act are:

- section 21, Information accessible to applicant by other means
- section 23, Information supplied by, or relating to, bodies dealing with security matters.
- section 32, Court Records
- section 34, Parliamentary Privilege
- section 36, Prejudice to effective conduct of public affairs (so far as relating to information held by the House of Commons or the House of Lords)
- section 40, Personal Information (where disclosure may contravene the Data Protection Act 1998)
- section 41, Information provided in confidence
- section 44, Prohibitions on disclosure

The exemptions that are qualified by the public interest test are:

- section 22, Information intended for future publication
- section 24, National Security
- section 26, Defence
- section 27, International Relations
- section 28, Relations within the United Kingdom
- section 29, The Economy
- section 30, Investigations and proceedings conducted by public authorities
- section 31, Law Enforcement
- section 33, Audit Functions
- section 35, Formulation of Government Policy
- section 36, Prejudice to effective conduct of public affairs (for all public authorities except the House of Commons and the House of Lords)
- section 37, Communications with Her Majesty, etc. and honours
- section 38, Health and Safety
- section 39, Environmental Information
- section 42, Legal Professional Privilege
- section 43, Commercial Interests

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