**Policy for the management of Freedom of Information Requests**

**Version 5:** February 2023

Contents

*(For quick access to a specific heading -* ***press CTRL and click your mouse*** *to follow the link for the below options)*

[1. INTRODUCTION 3](#_Toc127946729)

[2. PURPOSE 3](#_Toc127946730)

[3. SCOPE 3](#_Toc127946731)

[4. RESPONSIBILITIES 3](#_Toc127946732)

[5. POLICY STATEMENT 3](#_Toc127946733)

[6. PROCEDURE 3](#_Toc127946734)

[7. MONITORING AND REVIEW 3](#_Toc127946735)

[8. AUTHOR 4](#_Toc127946736)

[9. ASSOCIATED POLICIES (To include but not limited to) 4](#_Toc127946737)

[10. REFRENCES 4](#_Toc127946738)

11. [APPENDICES 5](#_Toc127946739)

[Appendix 1 - Insert extract from Contract Module C Clause 27.5 5](#_Toc127946740)

[Appendices 2 - FOIA Procedure Flow Chart 6](#_Toc127946742)

[DOCUMENT CONTROL SHEET 7](#_Toc127946743)

[Version Control 8](#_Toc127946744)

# 1. INTRODUCTION

The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities.

East Coast Community Healthcare C.I.C. (ECCH) is not a publicly owned organisation and therefore although not directly subject to the FOIA, is contractually obliged to assist and co-operate with the all statutory Commissioners, who are subject to the act. ECCH will however also review all FOIA’s received and may choose to respond to FOIA’s if it is in the best interest of the wider health network.

# 2. PURPOSE

This Policy informs East Coast Community Healthcare staff and contractors of the procedure to follow when in receipt of a Freedom of Information request.

# 3. SCOPE

The contractual requirements with NHS Commissioners are detailed at Appendix 1 and Appendix 2 is the full FOIA procedure flow chart.

# 4. RESPONSIBILITIES

All Directors, staff and subcontractors.

# 5. POLICY STATEMENT

Managers must ensure all staff are aware of this procedure and Business Unit Leaders are advised to assure themselves of suitable arrangements for implementing it.

# 6. PROCEDURE

Any staff member receiving a request for information under the auspices of the FOIA must forward the request immediately, without delay, to the Executive Director of Quality, Deputy Director of Quality & the Data Protection Officer (DPO). All FOIA’s will then be logged and processed in line with the FOIA procedure flow chart in Appendix 2 detailing the procedure for ECCH and Commissioner requests. For Commissioners requests please also refer to Appendix 1 – ‘Insert extract from Contract Module C Clause 27.5’

# 7. MONITORING AND REVIEW

Annual performance audit.

This policy will be reviewed every 2 years or sooner if required.

# 8. AUTHOR

Data Protection Officer

# 9. ASSOCIATED POLICIES (To include but not limited to)

* Information Governance Policy
* Access to Health Records Policy and Procedure Guidance

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# 10. REFRENCES

  <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

# APPENDICES

## Appendix 1 - Insert extract from Contract Module C Clause 27.5

## Freedom of Information and Transparency

27.5.1 Where the Provider is not a Public Authority, the Provider acknowledges that the Commissioner is subject to the requirements of the FOIA and shall assist and co-operate with the Commissioner to enable the Commissioner to comply with its disclosure obligations under the FOIA. Accordingly, the Provider agrees:

27.5.2 that this Agreement and any other recorded information held by the Provider on the Commissioner’s behalf for the purposes of this

Agreement are subject to the obligations and commitments of the Commissioner under the FOIA;

27.5.3 that the decision on whether any exemption to the general obligations of public access to information applies to any request for information received under the FOIA is a decision solely for the Commissioner to whom the request is addressed;

27.5.4 that where the Provider receives a request for information under the FOIA, it will not respond to such request (unless directed to do so by the Commissioner to whom the request is addressed) and will promptly (and in any event within 2 Operational Days) transfer the request to the

Commissioner;

27.5.5 that the Commissioner, acting in accordance with the codes of practice issued and revised from time to time under both section 45 of the FOIA, and regulation 16 of the Environmental Information Regulations

2004, may disclose information concerning the Provider and this Agreement either without consulting with the Provider, or following consultation with the Provider and having taken its views into account; and

27.5.6 to assist the Commissioner in responding to a request for information, by processing ‘information’ or ‘environmental information’ (as the same are defined in the FOIA) in accordance with a records management system that complies with all applicable records management recommendations and codes of conduct issued under section 46 of the FOIA, and providing copies of all information requested by the Commissioner within 5 Operational Days of such request and without charge.

## Appendices 2 - FOIA Procedure Flow Chart



# DOCUMENT CONTROL SHEET

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# Version Control

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| April 2019  | 3  | Heather Howman DPO  | No changes  |
| March 2021  | 4  | Hannah Lewis - DPO  | Added to updated Policy template. Updated process following consultation with Executive Team and added flow chart. Full review.  |
| Feb 2023  |  5 | Hannah Sewell DPO  | Updated email for Comms / Added to new template  |
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