

Policy for the Management of Freedom of Information Requests

Version 6: September 2023

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1. INTRODUCTION

The Freedom of Information (FOI) Act was passed in 2000 and replaces the Open Government Code of Practice that has been in place since 1994. The Act gives the public a general right of access to almost all types of recorded information held by public authorities. The Act came into full effect on 01 January 2005.

The Act places a statutory obligation on all public bodies to publish details of all recorded information that they hold and to allow the general public to have access to this information on request, except where an exemption applies e.g. personal or other confidential data.

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 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 system.

2. PURPOSE

The purpose of this policy is to detail the procedure to follow when in receipt of a Freedom of Information request including our contractual requirements with our NHS Commissioners.

3. SCOPE

All ECCH staff are within the scope of this policy, including staff working in or on behalf of ECCH inclusive of contractors, temporary staff, secondees, all permanent, employees, temporary and agency staff.

4. RESPONSIBILITIES

- **Chief Executive**
Overall responsibility for the enforcement of this policy lies with the Chief Executive of ECCH
- **The Caldicott Guardian (Executive Director of Quality)**
Is responsible for overseeing the FOI procedure and conducting any final reviews of information leaving the organisation.
- **Data Protection Officer (DPO)**
Is responsible for managing the FOI procedure and ensuring all FOIs are appropriately processed in line with policy.
- **ECCH Managers** – Are responsible for ensuring that the is adhered to and followed on receipt of any FOI to their service.
- **ECCH Employees**

Are responsible for the implementation of this policy and following the requirements of the policy.

5. POLICY STATEMENT

ECCH will use all appropriate and necessary means to ensure that it complies with FOI legislation.

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 – Caldicott Guardian, & the Data Protection Officer (DPO) via the caldicott@ecchcic.nhs.uk email box. All FOIA's will then be logged by the Quality Admin Team 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' Any information that is sent out for as part of an FOI request must be viewed by the DPO and Caldicott Guardian prior to it being sent out of the Organisation.

7. MONITORING AND REVIEW

The Information Governance and Caldicott Group will undertake the monitoring and review of this policy and procedure. This policy and procedure will be reviewed every two years (or earlier in light of new legislation/guidance).

8. AUTHOR

Data Protection Officer

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

- Information Governance Policy
- Subject Access Request Policy and Procedure Guidance
- Data Protection Policy
- Confidentiality Policy

10. REFERENCES

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

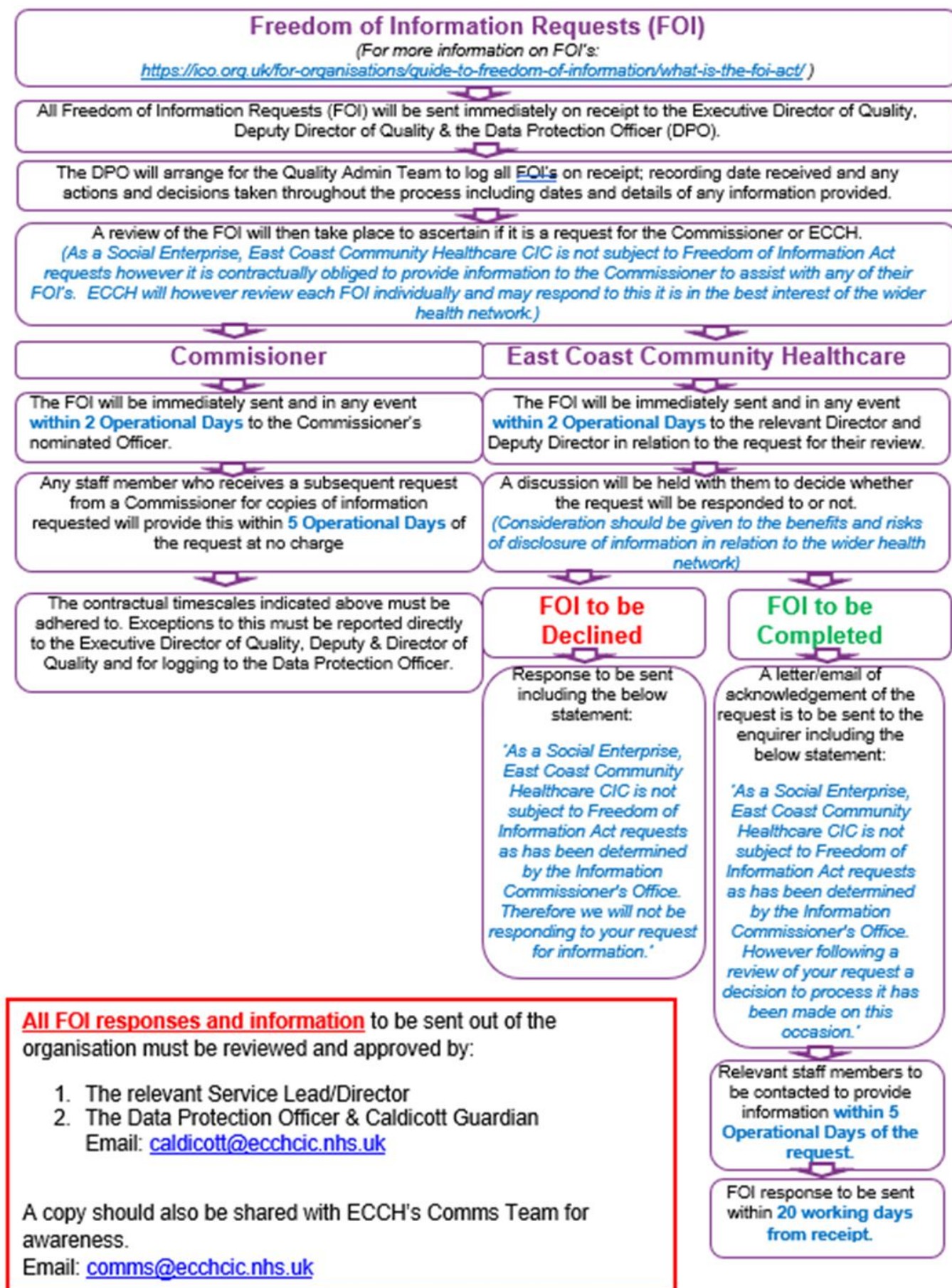
11. APPENDICES

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



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Version Control

Version Date	Version No.	Author/ Reviewer	Comments
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
Sept 2023	6	Hannah Sewell DPO	Updated responsibilities. Updated flow chart of procedure to include more detailed check to information being sent out. Updated responsibilities to include checks.