



# Freedom of Information Policy

## Document Control Sheet

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## Version Control - Table of Revisions

All changes to the document must be recorded within the 'Table of Revisions'.

Version number	Document section/ page number	Description of change and reason (e.g. initial review by author/ requested at approval group)	Author/ Reviewer	Date revised
01	Full Document	Police developed for implementation and circulation across the Trust	Trust Secretary	2011
02	Full Document	Full review of previous version. Policy also incorporates the recommendations from Sunderland Internal Audit's report of the Fol process in December 2014.	Assistant Director of Communications & Engagement	April 2015
03	Page 1	Updating Q-Pulse Reference Number	-	December 2015
04	Page 9	Associated documentation section updated to include Q-Pulse reference numbers for linked policies	Trust Secretary	December 2016
05	Full Review	Document undergone full review. Transferred document onto the Trust's new policy template and updated the process for appeals and more clearly outlined the responsibilities of key individuals <i>Note this is Q-Pulse version 7 as the version numbers are out of sync.</i>	Trust Secretary	September 2018

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## 1. Introduction

- 1.1. The Freedom of Information Act 2000 ('the FoI Act') provides individuals and organisations with the right to request information held by public authorities. Requests must be made in writing and the information must be provided to those who request it within 20 working days, subject to exemptions.
- 1.2. The North East Ambulance Service NHS Foundation Trust ('the Trust') is fully committed to the aims of the FoI Act and recognises its importance. To assist organisational compliance with the Act, the Trust will endeavour to ensure that:
  - The majority of information is made available through the Trust Publication Scheme which is based on, and in-line with, the model produced by the Information Commissioner's Office in 2008.
  - Other information is readily available on request.
  - If the information requested is subject to an exemption, and it is not an absolute exemption, then the Trust will conduct a 'public interest test' to determine whether the information can be released.

## 2. Purpose

- 2.1 This policy outlines the Trust's approach to responding to requests for information made under the FoI Act (see Appendix A for process map).
- 2.2 It provides a framework to ensure that the Trust fully endorses and adheres to the principles of the Act and meets the standards set out in the Lord Chancellor's Code of Practice on satisfying public authorities' obligations under this legislation.
- 2.3. This policy aims to ensure access to information in order to promote greater openness and to build public trust. Access to information about decisions we take can help local people to influence local service provision. This will be balanced against the need to ensure the confidentiality of certain information in areas such as personal information and commercially sensitive information.

## 3. Scope

- 3.1 This policy is intended to cover all records created in the course of the business of the Trust. This includes email messages and other electronic records.
- 3.2. The policy covers all requests for information except requests from individuals for their own personal data and normal 'business as usual' type requests.
- 3.3 The policy outlines good practice and identifies the responsibilities of Trust staff in terms of the FoI Act.

## 4. Roles & Responsibilities/Duties

4.1 Ultimate responsibility for Freedom of Information rests with the Chief Executive of the Trust but all staff members who record information, whether on paper or by electronic means, also have responsibilities under the Act and under this policy.

### 4.2 The Freedom of Information Lead

4.2.1 The FoI Lead (Assistant Director of Communications & Engagement) is responsible for responding to and processing all non-routine FoI requests received by the Trust. The role is a co-ordinating, enabling and advising one in respect of both policy and best practice.

4.2.2 The Trust Secretary will act as FoI lead in the absence of the Assistant Director of Communications & Engagement or as deputy when appropriate.

4.2.3 The Freedom of Information Lead can be contacted at the following address:

North East Ambulance Service NHS Foundation Trust,  
Bernicia House,  
The Waterfront,  
Goldcrest Way,  
Newburn Riverside,  
Newcastle upon Tyne  
NE15 8NY

4.2.4 It is this person's responsibility to:

- a) Ensure organisational compliance with the FoI Act.
- b) Maintain the currency of this policy and liaise with the Trust Secretary to maintain the NEAS Publication Scheme.
- c) Promote FoI awareness throughout the organisation.
- d) Ensure the general public has access to information about their rights under the FoI Act.
- e) Assist with investigations into complaints and appeals connected to FoI.
- f) Initiate the setting up of an ad-hoc FoI review group as and when required.
- g) Liaise and work with other employees responsible for information handling activities, e.g., Caldicott Guardian and Information Governance Manager.

### 4.3 Trust Secretary

4.3.1. The Trust Secretary acts as the FoI Lead in the absence of Assistant Director of Communications and Engagement. The Trust Secretary oversees the management of the FoI administration and processing, which is undertaken by the Governor Support Officers (who work in the Trust Secretary's team).

### 4.4 Governor Support Officers

4.4.1. The Governor Support Officers are responsible for:

- a) Acknowledging incoming FoI requests within the required timescales. This includes identifying requests which are not compliant with the Act and require redirecting, for example Subject Access Requests.
- b) Keeping accurate records of FoI requests, including key timescales, exemptions applied and records of information received and responses.
- c) Sending FoI requests to the departments responsible for collating the information and providing them with clear timescales in order to support the achievement of the legal deadline of responding within 20 working days.
- d) Monitoring progress in respect of information received and sending timely reminders to managers where information has not been received in accordance with the initial timescales agreed.
- e) Ensuring that information received is appropriately inserted into the Trust's response template and sending the draft response and supporting documentation to the FoI Lead for approval.
- f) Once approved, the Governor Support Officers send the final response to the requestor and log the date of completion on the record.
- g) Redacting the personal information from response letters and uploading the responses onto the Trust's website.
- h) Co-ordinating the appeals process, ensuring that any appeals are sent to the independent appeals officer, the Consultant Paramedic, and are responded to in line with the legal timescales.
- i) To inform the Information Governance Manager of appeals which have not been upheld.

4.4.2. The Governor Support Officers also prepare reports for the Information Governance Working Group in respect of Fols.

4.4.3. The Assistant Trust Secretary supports the work of the Governor Support Officers during periods of absence.

## **4.5. Consultant Paramedic**

- 4.5.1. The Consultant Paramedic is responsible for conducting an internal review when requested by the individual who made the original request under Fol.
- 4.5.2. The Consultant Paramedic is therefore not permitted to respond to any Fols in order to maintain independence.
- 4.5.3. The Consultant Paramedic must conduct internal reviews and respond to the requesters in line with legal timescales.
- 4.5.4. Learnings resulting from the appeals should be shared with the Fol Lead and Trust Secretary.

## **4.6 Departmental Managers**

- 4.6.1 Managers are responsible for ensuring that:
  - a) Freedom of Information issues within their areas are managed in a way that meets the provisions of the Trust's Fol policy.
  - b) Information not included within the Publication Scheme is created and stored in accordance with Trust procedures and processes to enable easy location when required.

## **4.7 Fol Group**

- 4.7.1 A Fol group, involving interested parties, will be formed on an ad-hoc basis to consider any specific Fol requests which require the application of the 'public interest test' or further discussion on whether to disclose information.
- 4.7.2 The Information Governance Working Group is responsible for monitoring progress on the Trust's compliance with the Act.

## **4.8 Other members of staff**

- 4.8.1 All staff have individual responsibility for:
  - complying with the provisions of the Fol Act
  - making themselves aware of their obligations under the Act
  - creation of their own records and for adhering to the Trust's Records Management procedures and processes

# **5. Policy Content**

## **5.1 Publication Scheme**

- 5.1.1 To comply with the Fol Act, the Trust has a Publication Scheme which specifies:

- what the Trust makes routinely available to the public as a matter of course
- how it will make the information available (i.e., electronic or hard-copy)
- whether the information is available free of charge or if payment is required

5.1.2 The Trust's Publication Scheme is available on-line. The Publication Scheme will be reviewed annually and updated to ensure that the information contained within it is fully up to date and relevant. The Trust Secretary will be responsible, in liaison with the Assistant Trust Secretary, for co-ordinating these reviews.

5.1.3 Responses to Fol requests will be published on the Trust's website (with personal information of the requester redacted) by the Governor Support Officers. The frequency of publication will be such that responses from any month will be uploaded to the website [www.neas.nhs.uk](http://www.neas.nhs.uk) by the end of the following quarter.

## 5.2 Non-Routine /Specific Requests

5.2.1 The Fol Act confers three general rights on the public, a right to:

- be informed whether a public body holds certain information
- obtain a copy of that information, and
- to an internal and external review in the event of any decision to withhold information

5.2.2 Information that is not already available to the public via the Trust's Publication Scheme will be generally accessible via the mechanism of a written request, this includes email and social media.

5.2.3 The requestor does not need to tell the Trust that their request is made under the Fol Act (although it is helpful to do so) and the Trust is not entitled to know why the requestor wants the information.

5.2.4 Where possible, the information will be supplied in the format requested by the applicant. However, requests can be met by providing a copy of the original document, as a summary of the original or even by allowing the applicant to visit the Trust to read the document(s).

5.2.5 Although the Trust must respond to any request within 20 working days, further details can be requested by the Trust in order to clarify, identify and locate the information being requested.

## 5.3 Charges and Fees

5.3.1 Information made available through the Trust's Publication Scheme will be free of charge unless otherwise specified; however, in cases where the cost of providing a written request exceeds the appropriate limit (as specified in the Fees Regulations) the Trust may charge a fee for dealing with it. Any fee levied will be calculated according to the provisions of the Fees Regulations published by the Ministry of Justice. However, a public authority is not obliged to comply

with a request for information if it estimates that the cost of determining if it holds the information, locating and retrieving the information and where necessary, extracting the information would exceed the appropriate fees limit set down under Section 12 of the Act.

5.3.2 The Trust will, where possible, work with the requestor to try to reduce the amount of work involved so that some of the information can be provided. In certain circumstances the Trust can offer the requestor the option of paying for the information. In this instance, the requestor would have to pay the full cost.

## 5.4 Exemptions

5.4.1 Whilst the FoI Act provides for the right of access to information held, it also affords a number of exemptions from this right in order to permit public authorities to withhold some or all of the information requested where justifiable.

5.4.2 The exemptions fall into two categories:

- those that are ‘absolute’ where the Trust may withhold the information without considering any public interest arguments, and
- those that are ‘qualified’ i.e., that, although an exemption may apply to the information, it will nevertheless have to be disclosed (unless the public interest in withholding it is greater than the public interest in releasing it)

5.4.3 In respect of the absolute exemptions, the Trust does not have to confirm or deny that it holds the information if, to do so, would in itself provide exempt information.

5.4.4 The ‘public interest test’ requires that the information should be withheld under exemption if, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing it.

5.4.5 If the Trust receives a vexatious request or repeated request it is not obliged to comply with the request. An FoI Group consisting of interested parties will be called to decide upon whether a request is vexatious, with the assistance of legal advice where necessary.

5.4.6 Repeated requests from the same person for information that has already been supplied to them will not be met unless there has been a “reasonable interval” between the requests. As per 5.4.5., reasonableness will be determined by a specially-created FoI Group.

## 5.5 Appeals and Complaints

5.5.1 In the first instance, if requestors are not satisfied with any aspect of the response, they can request the Trust to undertake an internal review which will be carried out by someone not involved with the original request (see Appendix B for the process of the review).

- 5.5.2 Generally, the Trust's Consultant Paramedic will undertake this review and will aim to provide a full response to the requestor within 20 working days of receiving it. If the complaint is complicated and takes longer to investigate, an explanation will be given as to why and when the requestor can expect a response.
- 5.5.3 If a requestor is dissatisfied with the outcome of the internal review, they can seek a further review with the Information Commissioner directly:

**Post:** Information Commissioner's Office,

WycliffeHouse  
WaterLane  
Wilmslow  
Cheshire  
SK9 5AF

**Fax:** 01625 524 510

**Tel:** 01625 545 700

**Email:** [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

## 6. Glossary of terms

This policy uses the following terms:

Freedom of Information (Fol) Act	The Fol Act provides individuals and organisations with the right to request information held by public authorities.
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## 7. Training Required for Compliance with this Policy

No other formal training is required in relation to this policy. Staff are advised to contact the Freedom of Information Lead (Assistant Director of Communications & Engagement, Trust Secretary or Governor Support Officer for advice in relation to Freedom of Information.

## 8. Equality and Diversity

The Trust is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on the grounds of any protected characteristic (Equality Act 2010). An equality

analysis has been undertaken for this policy, in accordance with the Equality Act (2010).

Details of this assessment are stored within the central register for Equality Analysis Assessments maintained within the Equality and Diversity team within the Communications and Engagement department.

## **9. Compliance and Effectiveness Monitoring**

Arrangements for the monitoring of compliance with this policy and of the effectiveness of the policy are detailed below.

### **Compliance and Effectiveness Monitoring**

Arrangements for the monitoring of compliance with this policy and of the effectiveness of the policy are detailed overleaf:

Freedom of Information Policy

Process in the policy	Monitoring and audit					
	Key Performance Indicators (KPI)/ Criteria	Method	Who By	Committee	Frequency	Learning/ Action Plan
Monitoring and reporting on Policy compliance	Number of Fol requests	Report to IGWG	Assistant Trust Secretary	IGWG	Bi-monthly	Share learning amongst the team and reflect on processes
Compliance Report on Fol requests	No breaches	Report to IGWG	Assistant Trust Secretary	IGWG	Bi-monthly	Share learning amongst the team and reflect on processes
Appeals	No of appeals	Report to IGWG	Assistant Trust Secretary	IGWG	Bi-monthly	Share learning amongst the team and reflect on processes
Appeals	No of appeals upheld	Report to IGWG	Assistant Trust Secretary	IGWG	Bi-monthly	Share learning amongst the team and reflect on processes

## 10. Consultation and Review of this Policy

This policy has been reviewed in consultation with the Freedom of Information lead (Assistant Director of Communications & Engagement), Trust Secretary, Governor Support Officer, Information Governance Manager and Consultant Paramedic. The Information Governance Working Group has been consulted in its role as the approving body for this policy.

## 11. References

This document refers to the following guidance, including national and international standards:

- [Equality Act \(2010\)](#)
- Freedom of Information Act 2000. London: Stationery Office. Available at [www.opsi.gov.uk/acts](http://www.opsi.gov.uk/acts)

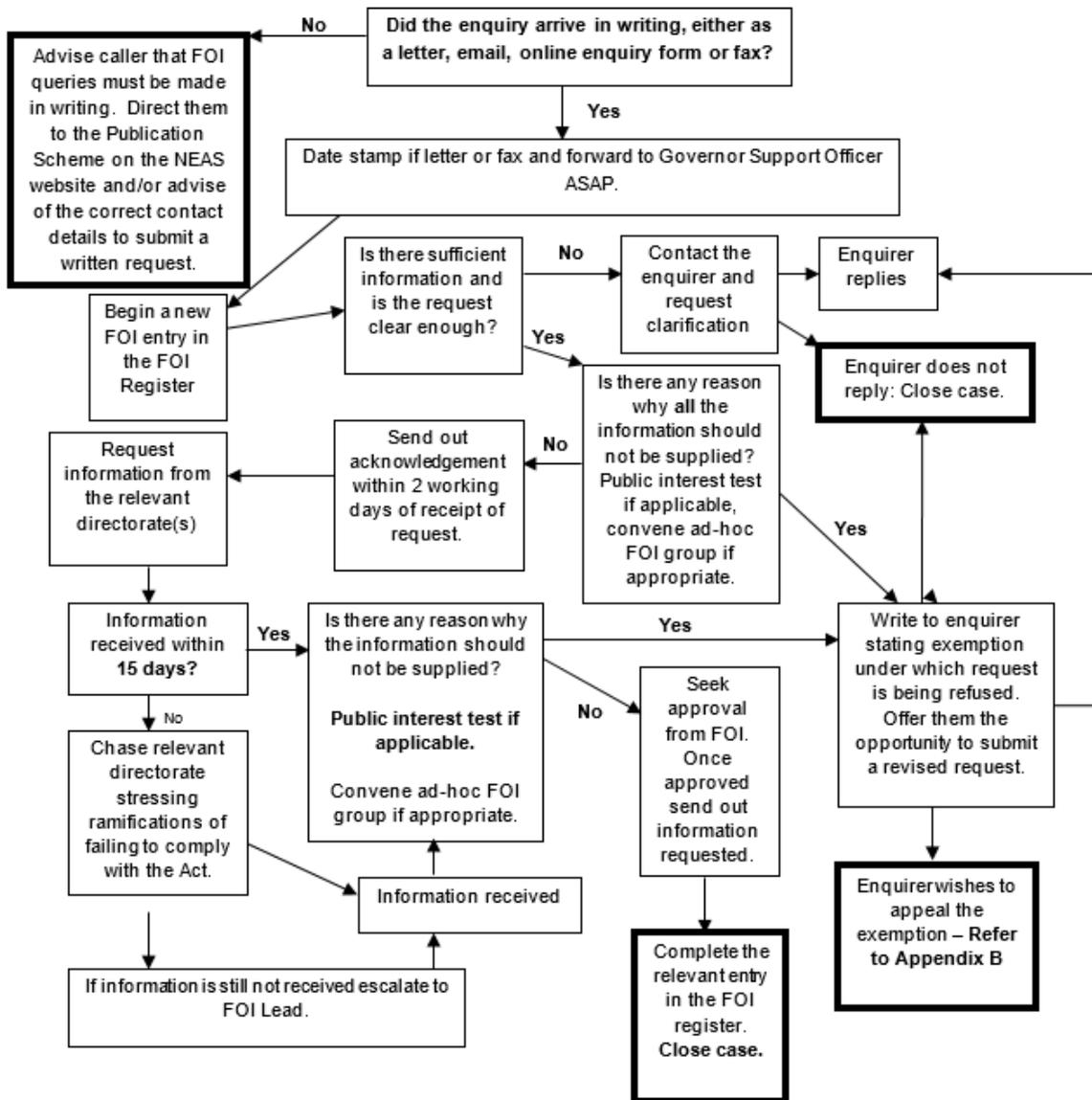
## 12. Associated Documentation

This document refers to the following Trust policies and procedures:

The Freedom of Information Policy is part of a set of Information Governance policies that form a basis for the sound management of the Trust's information resources. Other key documents include:

- Information Governance Strategy (STR-10)
- Records Management Policy (POL-F-IMT-10)
- Data Protection Policy (POL-F-IMT-4)
- Confidentiality Code of Conduct (POL-F-IMT-1)
- Equality Analysis Assessment Policy (POL-CE-ED-12)
- Subject Access Request Procedure (SOP-CCPS-SAR-1)

## Appendix A – Freedom of Information Process



## Appendix B – Internal Review Process

