	<b>Document Title</b>		<b>Effective From</b>
	FREEDOM OF INFORMATION POLICY		28.10.2022
POLICY	<b>Approval Body</b>	<b>Version No.</b>	<b>Review Due Date</b>
	EXECUTIVE MANAGEMENT GROUP	6	28.10.2025
	<b>Owner</b>	<b>Department</b>	
	TRUST SECRETARY	CHIEF EXECUTIVE	
<ul style="list-style-type: none"> <li>This policy supersedes all previous issues.</li> <li>Printed copies of this document are valid only until midnight of the day it was printed.</li> <li>This policy covers both the Trust (NEAS) and its subsidiary company (NEASUS).</li> </ul>			

<b>DOCUMENT TYPE</b>	Organisational <input checked="" type="checkbox"/> Departmental <input type="checkbox"/>
<b>PURPOSE</b>	The purpose of this policy is to outline the Trust's approach to responding to requests for information made under the Freedom of Information (Fol) Act 2000.
<b>APPLICABLE TO</b>	All NEAS employees, as well as consultants, vendors, agency workers, contractors, service users, apprentices, volunteers and/or any other parties who have a business relationship with NEAS.
<b>KEY THINGS TO KNOW ABOUT THIS POLICY</b>	<ol style="list-style-type: none"> <li>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 Code of Practice on satisfying public authorities' obligations under this legislation.</li> <li>This policy aims to ensure access to information in order to promote greater openness and to build public trust.</li> <li>This policy is intended to cover all records created in the course of the business of the Trust.</li> </ol>
<b>EXPECTED OUTCOME</b>	Readers are expected to understand the organisational position on Freedom of Information requests, know their responsibilities in relation to the policy and comply with the terms of the policy.

<b>POLICY STATEMENT</b>	
<b>1. GENERAL POLICY STATEMENT</b>	
1.1	The Freedom of Information Act 2000 ('the Fol Act') provides individuals and organisations with the right to request information held by public authorities.
1.2	The North East Ambulance Service NHS Foundation Trust ('the Trust') is fully committed to the aims of the Fol Act 2000.
1.3	Requests must be made in writing by someone not using a pseudonym and providing an address for the response to be sent. The information must be provided to those who request it within 20 working days, subject to exemptions.
1.4	To assist organisational compliance with the Act, the Trust will endeavour to ensure that:

- 1.4.1 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.
  - 1.4.2 Information that would be given to anybody who asked for it, or would be suitable for the general public to see, is made available on request.
  - 1.4.3 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 is released.
- 1.5 This policy is intended to cover all records created during the business of the Trust. This includes email messages and other electronic records. The Trust does not consider social media platforms as official communication methods.
- 1.6 The policy covers all requests for information that would be suitable for the general public to see except requests from individuals for their own personal data or simple requests that can easily be dealt with as a normal 'business as usual' type requests.
- 1.7 The policy outlines good practice and identifies the responsibilities of Trust staff in terms of the FoI Act.

## **2. MAKING A REQUEST**

- 2.1 The FoI Act confers three general rights on the public, namely to:
- 2.1.1 be informed whether a public body holds certain information
  - 2.1.2 obtain a copy of that information, and
  - 2.1.3 an internal and external review in the event of any decision to withhold information
- 2.2 Information that is not already available to the public via the Trust's Publication Scheme (see section 7 below) will be generally accessible via the mechanism of a written request. This includes email and social media.
- 2.3 The requestor does not need to tell the Trust that their request is made under the FoI Act (although it is helpful to do so) and the Trust is not entitled to know why the requestor wants the information.
- 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 or even by allowing the applicant to visit the Trust to read the document(s).
- 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.

## **3. CHARGES AND FEES**

- 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.

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.

#### **4. EXEMPTIONS**

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.

4.2 The exemptions fall into two categories:

4.2.1 those that are 'absolute' where the Trust may withhold the information without considering any public interest arguments, and

4.2.2 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)

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.

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.

4.5 Meetings are scheduled between the FoI lead and Trust Secretary to weigh and consider public interest issues to determine whether exemptions should be applied.

4.6 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.

4.7 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 5.6 above, reasonableness will be determined by a specially-created FoI Group.

#### **5. APPEALS AND COMPLAINTS**

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).

5.2 Reviews are undertaken by Trust's Lead Consultant Paramedic who shall provide a full response to the requestor within 20 working days of receiving it, or 40 in exceptional circumstances. 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.

5.3 If a requestor is dissatisfied with the outcome of the internal review, they can seek a further review with the Information Commissioner directly by post at:

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. PUBLICATION SCHEME**

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

- what the Trust makes routinely available to the public
- 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

6.2 The Trust's Publication Scheme is available online. 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.

6.3 Compliance data for responding to Fol requests will be published on the Trust's website by the Governance Officer. 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.

## **7. TRAINING REQUIRED FOR COMPLIANCE WITH THIS POLICY**

7.1 The Governance Officer receives annual refresher training to ensure the Trust complies with the requirements of the Fol Act and this Policy.

7.2 The Freedom of Information Lead, Trust Secretary and Lead Consultant Paramedic receive practitioner level training every 3 years.

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

## **8. STATEMENT ON POLICY IMPLEMENTATION**

8.1 Upon approval, this policy will be uploaded to the policy portal and communicated to staff via The Update on Siren.

## **9. STATEMENT ON EQUALITY AND DIVERSITY**

9.1 The Trust is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our Equality Plan – One Service for All.

9.2 This policy has been assessed to identify any potential for adverse or positive impact on specific groups of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we have considered eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between people from diverse groups. Any issues highlighted in the assessment have been considered and incorporated into the policy and approved by the Lead Director and relevant committee.

## **10. STATEMENT ON CONSULTATION**

10.1 This policy has been reviewed in consultation with the Freedom of Information lead (Assistant Director of Communications & Engagement), Trust Secretary, Governance Officer, Information Governance Manager, Information Governance Working Group and Lead Consultant Paramedic.

<b>RESPONSIBILITIES</b>	
<b>EXECUTIVE MANAGEMENT GROUP (EMG)</b>	EMG approves all organisational policy.
<b>EXECUTIVE DIRECTORS</b>	Executive Directors are responsible for ensuring policies are communicated and implemented within their functions. They also approve departmental procedures once assurance is received from the Policy Review Group that the procedure is robust and fit for purpose.
<b>FREEDOM OF INFORMATION GROUP</b>	Interested parties and/or relevant SMEs invited to form an ad-hoc time-limited group to support the completion of a FOI request. Such a group may meet physically, virtually or remotely to consider any specific FOI requests which require the application of the 'public interest test' or further discussion on whether to disclose information.
<b>FREEDOM OF INFORMATION LEAD</b>	<p>The FOI Lead (Assistant Director of Communications &amp; Engagement) is responsible for responding to and processing all non-routine FOI requests received by the Trust. It is the FOI Lead's responsibility to:</p> <ul style="list-style-type: none"> <li>• Ensure organisational compliance with the FOI Act.</li> <li>• Maintain the currency of this policy and liaise with the Trust Secretary to maintain the NEAS Publication Scheme</li> <li>• Promote FOI awareness throughout the organisation.</li> <li>• Ensure the general public has access to information about their rights under the FOI Act.</li> <li>• Assist with investigations into complaints and appeals connected to FOI.</li> <li>• Initiate the setting up of an ad-hoc FOI review group as and when required.</li> <li>• Liaise and work with other employees responsible for information handling activities, e.g., Caldicott Guardian and Information Governance Manager.</li> <li>• The FOI Lead can be contacted as follows:  North East Ambulance Service NHS Foundation Trust  Bernicia House, The Waterfront  Goldcrest Way  Newburn Riverside  Newcastle upon Tyne, NE15 8NY</li> </ul>
<b>GOVERNANCE OFFICER</b>	<p>The Governance Officer is responsible for:</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>

	<ul style="list-style-type: none"> <li>• Keeping accurate records of Fol requests, including key timescales, exemptions applied and records of information received and responses.</li> <li>• Sending Fol 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.</li> <li>• 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.</li> <li>• Ensuring that information received is appropriately inserted into the Trust's response template and sending the draft response and supporting documentation to the Fol Lead for approval.</li> <li>• Sending the final approved response to the requestor and logging the date of completion on the record.</li> <li>• Initiating the appeals process by sending any appeal to the independent appeals officer, the Lead Consultant Paramedic, along with the electronic file relating to the request being appealed.</li> </ul> <p>The Governance Officer also prepares reports for the Information Governance Working Group in respect of Fols.</p>
<b>INFORMATION GOVERNANCE WORKING GROUP</b>	The Information Governance Working Group is responsible for monitoring progress on the Trust's compliance with the Act.
<b>JOINT CONSULTATIVE COMMITTEE (JCC)</b>	JCC reviews all <i>people-related</i> policies and procedures. JCC recommends people-related policies to EMG for approval.
<b>LEAD CONSULTANT PARAMEDIC</b>	<p>The Lead Consultant Paramedic is responsible for conducting internal review when requested by the individual who made the original Fol request, in line with legal timescales. In order to maintain independence, the Lead Consultant Paramedic is therefore not permitted to respond to any Fols.</p> <p>Learnings resulting from the appeals must be shared with the Fol Lead and Trust Secretary.</p> <p>The Lead Consultant Paramedic must inform the Information Governance Manager, the Fol Lead and the Trust Secretary of all appeals, whether upheld or not.</p>
<b>MANAGERS</b>	<p>Managers have a responsibility to ensure their teams are aware of and comply with all organisational policy. In respect of this policy, managers are responsible for ensuring that:</p> <p>Fol issues within their areas are managed in a way that meets the provisions of the Trust's Fol policy.</p> <p>Information requested under the Fol Act is provided to the Governance Officer within the requested timeframe.</p> <p>Information not included within the Publication Scheme is created and stored in accordance with Trust procedures and processes to enable easy location when required.</p>

<b>POLICY REVIEW GROUP (PRG)</b>	PRG reviews all organisational policies (except people-related policies) and departmental procedures. PRG recommends all organisational policies to EMG for approval.
<b>TRADE UNION COLLEAGUES</b>	Trade Union colleagues are expected to collaborate on the development of people-related policies and procedures via the JCC policy sub-group and upon approval, support their implementation among trade union members.
<b>TRUST SECRETARY</b>	The Trust Secretary oversees the management of the FoI administration and processing, which is undertaken by the Governance Officer. The Trust Secretary will act as FoI Lead in the absence of the Assistant Director of Communications & Engagement or as deputy when appropriate. The Deputy Trust Secretary supports the work of the Governance Officer during periods of absence.
<b>ALL COLLEAGUES</b>	All colleagues are expected to be familiar with and comply with the provisions of this policy. Colleagues have a responsibility to conduct themselves in a manner which reflects the NEAS values of Compassion, Accountability and Responsibility, Respect and Excellence and Innovation and to speak up where they see non-compliance with policy.

## GLOSSARY OF KEY TERMS/DEFINITIONS

<b>FOI</b>	Freedom of Information
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## MISCELLANEOUS

<b>REFERENCES</b>	Freedom of Information (FOI) Act 2000
<b>RELATED DOCUMENTS</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• Information Governance Strategy (STR-10)</li> <li>• Records Management Policy (POL-F-IMT-10)</li> <li>• Data Protection Policy (POL-F-IMT-4)</li> <li>• Confidentiality Code of Conduct (POL-F-IMT-1)</li> <li>• Equality Analysis Assessment Policy (POL-CE-ED-12)</li> <li>• Subject Access Request Procedure (SOP-CCPS-SAR-1)</li> </ul>
<b>KEYWORDS</b>	<ul style="list-style-type: none"> <li>• Freedom of Information</li> <li>• FOI Act</li> <li>• Information Governance</li> </ul>

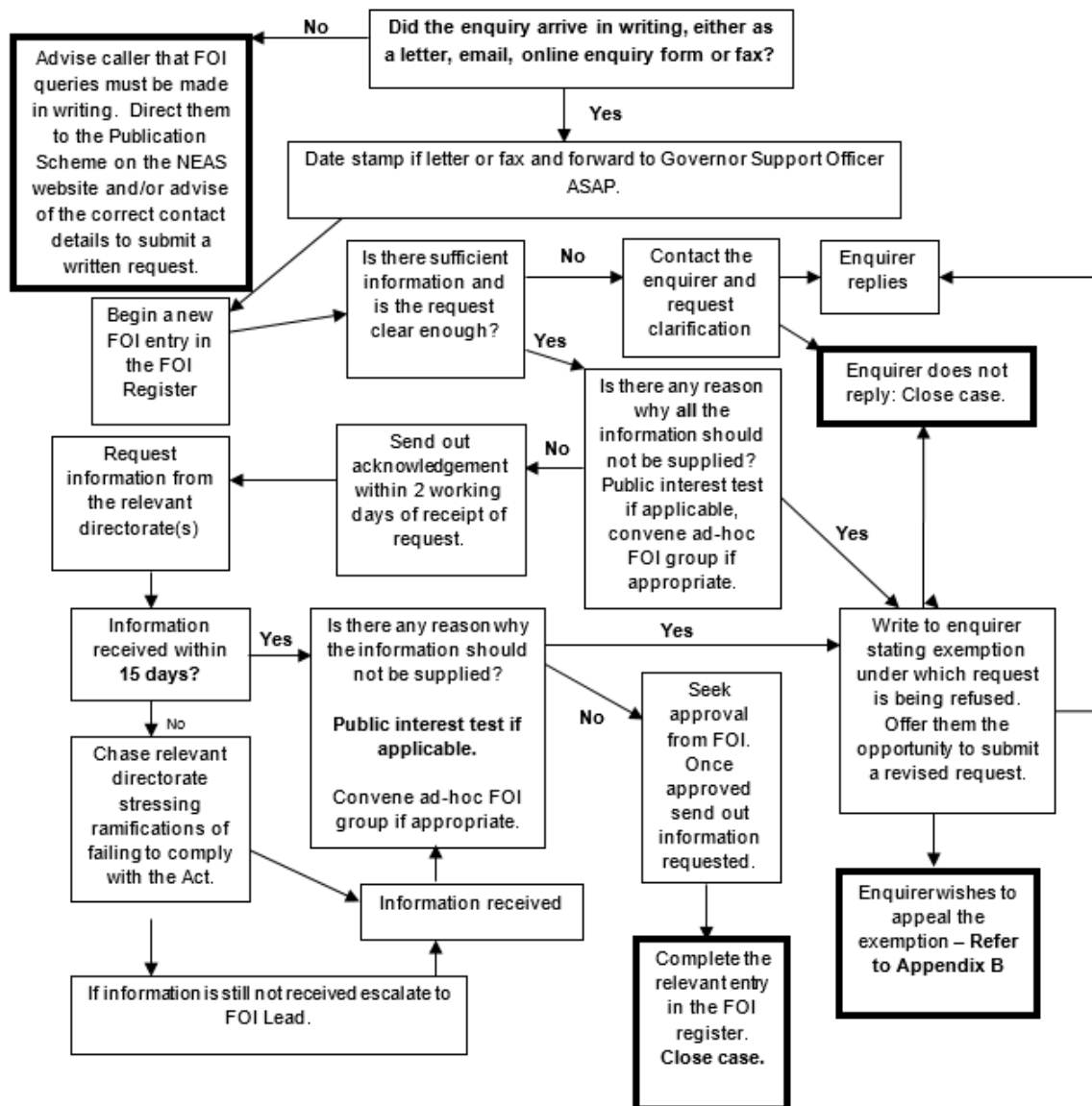
MONITORING OF POLICY COMPLIANCE					
Policy Statement	KPI	Method	Who By	Committee/Group	Frequency
Monitoring and reporting on Policy compliance	Number of FOI requests	Report to Information Governance Working Group (IGWG)	Assistant Trust Secretary	IGWG	Bi-monthly
Compliance report on FOI requests	No breaches	Report to IGWG	Assistant Trust Secretary	IGWG	Bi-monthly
Appeals	Number of appeals	Report to IGWG	Assistant Trust Secretary	IGWG	Bi-monthly
Appeals	Number of appeals upheld	Report to IGWG	Assistant Trust Secretary	IGWG	Bi-monthly
General	Number of FOI requests No of breaches Number of appeals Number of appeals upheld	Report to EMG and Board	Assistant Trust Secretary	EMG and Board	Annual
Training	Annual Governance Officer Training Tri-annual practitioner training for Fol Leads and Lead Consultant Paramedic	Incorporated into above report to EMG and Board	Assistant Trust Secretary	EMG and Board	Annual

VERSION CONTROL				
Version No.	Documentation Section/Page No.	Description of Change and Rationale	Author/Reviewer	Date Revised
1	Full document	Policy developed for implementation and circulation across the Trust.	Trust Secretary	2011
2	Full document	Full review of previous version. Policy also incorporates the recommendations from Sunderland Internal Audit's report of the FOI process in December 2014.	Assistant Director of Communications & Engagement	April 2015
3	Page 1	Updating Q-Pulse Reference Number.	-	December 2015
4	Page 9	Associated documentation section updated to include Q-Pulse reference numbers for linked policies.	Trust Secretary	December 2016
5	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.  Note this is Q-Pulse version 7 as the version numbers are out of sync.	Trust Secretary	September 2018
6	Full review	Transferred full document onto the Trust's new policy template. Document undergone full review. Transferred document onto the Trust's new policy template. Minor updates reflecting changes in Trust Secretariat team.	Trust Secretary	July 2022



		Redacted requests are no longer required to be published on the website. Requirement to inform IG Manager, FoI Lead and Trust Secretary of the result of appeals which have not been upheld, transferred from Governance Officer to Lead Consultant Paramedic. Additional compliance monitoring elements around training and reporting added.		
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## Appendix A Freedom of Information Process



## Appendix B Internal Review Process

