

THE ATRIUM HEALTH CENTRE POLICY

Title: Freedom of Information
Review Date: July 2028
Version: 1.4

Introduction

Policy statement

The purpose of this document is to ensure that staff and patients at this organisation are aware of the ways in which the organisation adheres to the [Freedom of Information Act 2000](#) (referred to as the Act herein). [The Act](#) enables the public to access information held by public authorities in two ways:

- Public authorities are obliged to publish certain information about their activities
- Members of the public are entitled to request information from public authorities who, in turn, are required to provide the requested information within 20 working days, unless it is exempted

The policy will provide a framework within which this organisation will ensure compliance with the requirements of the Act and will underpin any operational procedures and activities connected with the implementation of the Act. It is important to note that the Act does not give individuals access to their own personal data, i.e., healthcare records. This is processed by means of a subject access request.

The principles behind the Act are detailed within the Information Commissioner's Office (ICO) guidance titled [What is the FOI Act and are we covered?](#)

The roles and responsibilities of those involved in the management of Freedom of Information (FIO) are detailed at [Annex A](#).



Information Governance (IG) and Data Security eLearning are available in the [HUB](#). A range of ICO [videos](#) is available to support greater understanding of FOI requests.

Status

In accordance with the [Equality Act 2010](#), this organisation has considered how provisions within this policy might impact on different groups and individuals. This document and any procedures contained within it are non-contractual, which means they may be modified or withdrawn at any time. They apply to all employees and contractors working for the organisation.

Requirement

Principles

The main principle behind the Act is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to. This means:

- Everybody has a right to access official information
- Applicants do not need to give a reason for wanting the information. On the contrary, organisations must justify refusing to provide the information
- All requests for information must be treated equally except under some circumstances relating to vexatious requests and personal data. Furthermore, all requesters are to be treated equally, whether they are journalists, local residents, public authority employees or foreign researchers
- As all requesters are treated equally, you should only disclose information under the Act if you would disclose it to anyone else who asked

Information can be shared voluntarily outside the provisions of the Act.

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As detailed within [Section 1](#) of the Act, any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to them.

This organisation has a duty to provide advice and assistance to individuals making requests and will strive to take all reasonable steps to meet this obligation, as detailed at [Section 16](#) of the Act.

Defining a valid request for information

Any individual has the right to request information from a public authority and this organisation has two separate duties when responding to such requests:

- Inform the applicant whether the organisation holds any information falling within the scope of their request
- To provide any information that conforms to [Section 8](#) of the Act.

A request also becomes valid when the Act is detailed in correspondence.

A FOI request form template can be found on the shared drive: S:\J81068\Shared\Policies Protocols Forms\Forms.

Processing any requests

When an FOI request has been received, the process as detailed at [Annex B](#) is to be followed to meet both the timescales and the obligations of the request. Furthermore, to ensure that the correct process is adhered to, on receipt of any FOI request the checklist at [Annex C](#) is to be followed.

Whenever possible, this organisation will provide information to applicants in the format requested.

Acknowledging an FOI request

An acknowledgement of any FOI request will be provided within two working days. [Annex D](#) provides an acknowledgement template letter.

A register to log any FOI requests can be found in the organisation's Freedom of Information Request Register.

Responding to an FOI request

The Freedom of Information Act 2000 [Section 10](#) states that there is a duty to respond to any request within 20 working days of receipt.

Should a request be unclear, the Area Practice Manager will contact the applicant to request clarification. It should be noted that the 20-working day 'clock' does not start until a valid request is received and the clarification that is being sought has been received. If clarification is requested but not received within 20 working days, the request will be considered to have been withdrawn. Should the applicant re-submit their request after this point, it will be treated as a new FOI request.

Detailed information including exemptions from and actions for requesting clarification can be found in the ICO guidance titled [Time limits for compliance under the freedom of Information Act \(Section 10\)](#)

A general FOI response letter template can be found at [Annex E](#). Additionally, to support any response, the ICO also provides a letter template in its guidance titled [Beginners guide FOI templates](#).

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Exemptions and the public interest test

This organisation will not release information held to which any absolute or qualified exemptions detailed in [Part II](#) of the Act apply. A list of all exemptions is detailed at [Annex F](#).

The ICO guidance titled [The public interest test](#) (PIT) applies if an exemption is qualified and the organisation must weigh the public interest in maintaining the exemption against the public interest in disclosure. As a result, the PIT may delay the response to the request for information.

A letter template is available at [Annex G](#) to inform an applicant of the reason for any delay.

Charges and fees

In general, this organisation will not charge a fee for processing an FOI request and as detailed at [Section 9](#) of the Act. However, should there be a request for large volumes of hard copy materials, a fee may be levied and in line with [Regulation 3](#) of [The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#).

Vexatious or repeated requests

This organisation is not obliged to comply with a request for information if the request is vexatious. When this organisation has previously complied with a request for information that was made by any person, it is not obliged to comply with a subsequent identical or subsequent similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

This organisation will log all requests for information for monitoring purposes and will be able to identify repeated or vexatious requests.

Both the ICO guidance titled [Dealing with vexatious requests](#) and [Section 14](#) of the Act detail this further.

Refusal of a request

Should this organisation refuse a request, the applicant will be advised of the reasons why within 20 working days. They will also be provided with information on how to make a complaint about the refusal.

When it is not possible to confirm that an exemption applies, this organisation will inform the applicant that the issue remains under consideration and will estimate the date at which a firm judgement will be made. This will be notified to the applicant by issue of an exemption pending notice and as detailed at [Annex G](#).

The Area Practice Manager will keep a record of all notices issued to refuse requests for information and any information regarding the PIT process.

Disclosure log

The disclosure log provides information that has been released via requests made to this organisation for information under the Act. The disclosure log forms part of the publication scheme and can link to documents available on the scheme which in turn is published on the practice website.

The Area Practice Manager must ensure that information from multiple requests regarding the same subject is available via the disclosure log. If there has been a request made for information which is currently part of a public debate, for example the subject is within the media, this information must be published within the disclosure log.

The requests within the disclosure log must remain anonymous and therefore the requester's details must not be made available. The only information provided on the disclosure log are the questions asked and the

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answers to these questions. The reference numbers will also be provided to provide a reference if a member of the public contacts this organisation regarding the information contained within the disclosure log.

This organisations disclosure log is saved in; <S:\J81068\Shared\Office>

Appeals process

Internal review

Should an applicant be dissatisfied with a response that the organisation has provided, they are able to request an internal review. Any complaint about or challenge to the information given in a response to an FOI request should be treated as a request for an internal review.

Any request for an internal appeal should be made within 40 working days of an FOI response being sent. Any requests for an internal review made after this date are out of time and will not receive an internal review. All requests for an internal review will be responded to within 20 working days.

To ensure that all reviews are carried out independently, support in compiling the review responses will be provided by the organisation's Data Protection Officer.

Detailed information can be sought from the Cabinet Office document titled [Freedom of Information Code of Practice](#) at Section 5.

External review

Should an enquirer be dissatisfied with a response that they have received, under [Section 50](#) of the Act they are entitled to request an external review by the ICO.

Should an appeal be accepted by the ICO, the organisation is obliged to supply the complete audit trail of its response to the ICO including un-redacted copies of information that had been redacted.

The organisation should review the FOI response and consider the information as detailed within the ICO guidance titled [FOI complaints and ICO enforcement powers](#).

Transferring requests for information

Process

There will be instances when this organisation does not hold the information requested but believes that another public authority does. In these instances, the Area Practice Manager will advise the requestor that the organisation does not hold the information, and which other public authority may have what they are looking for. When possible, the organisation will provide the contact details for the other public authority to the requestor.

Prior to any direct transfer of the FOI request to another public authority, consent must be given by the requestor due to the data protection considerations of handling personal details.

Public sector contracts

Overview

When entering into contracts, this organisation must refuse to include contractual terms that attempt to restrict the disclosure of information held by the organisation and relating to the contract beyond the restrictions permitted by the Act.

With the inclusion of existing contracts, unless an exemption provided for under the Act is applicable in relation to any information, the organisation may be obliged to disclose that information in response to a request, regardless of the terms of any contract.

As detailed within the [UK Parliament Freedom of Information Act – Practice Note for Committee Clerks](#), this organisation will reject non-disclosure clauses.

Third parties

Consultation from third parties

This organisation recognises that in some cases the disclosure of information may affect the legal rights of a third party, for example when information is subject to the common law duty of confidentiality. Unless an exemption provided for in the Act applies in relation to any information, this organisation will be obliged to disclose that information in response to a request.

Detailed information can be found in the ICO guidance titled [What should we do if the request involves information about other individuals?](#), in particular, the section titled Do we need to respond to the request?

Model publication scheme

Guidance

The ICO expects this organisation to adopt its [Model publication scheme](#) and commit to proactively publishing information, explaining what information will be published, the format it will be published in and whether a charge will be made for the information.

This organisation's publication scheme is updated yearly and saved in Practice Index Hub Library. It is also available on the Practice Website.

Further reading can be found at the NHS E guidance titled [Freedom of Information publication scheme](#).

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Annex A – Personnel and responsibilities of FOI management

Named person	Responsibilities
Information Governance Lead/Caldicott Guardian	<p>At this organisation we have a separate IG Lead (Lisa Fall, Area Practice Manager) and Caldicott Guardian (Dr Laura Morgan).</p> <p>These staff have ultimate responsibility for the organisation's compliance with the Act and is responsible for providing advice and support to all staff.</p>
Area Practice Manager	<p>The Area Practice Manager (Lisa Fall) is also the Senior Information Risk Owner (SIRO).</p> <p>In their role as SIRO, they are responsible for providing advice and guidance to all staff and they are also the nominated person to carry out an internal review of a response to a FOI enquiry.</p>
Data Protection Officer	<p>The DPO provides expert advice with regard to the information request, the response and the appeal process, if appropriate.</p> <p>At this organisation we use NHS Dorset GPDPO</p>
All staff	<p>All staff, including contractors, are responsible for ensuring that any requests for information that cannot be considered to be '<i>business as usual</i>' and therefore fall under the Act are forwarded to the Area Practice Manager immediately.</p> <p>Furthermore, all staff, including contractors, are responsible for responding to requests for information received from the Area Practice Manager in order to comply with the Act in a timely manner.</p>

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Annex B – Timeline of process, considerations and actions

Timeline of process, considerations and actions to take	
Day 1-2	<ul style="list-style-type: none"> • Request logged and acknowledgement sent to applicant • Sensitive request?
Day 2-5	<ul style="list-style-type: none"> • Provisional search for info • Held/not held • Will investigation exceed cost limit?
Day 6	<ul style="list-style-type: none"> • If information is not held or exceeds cost limit – provide response to applicant
Day 6-10	<ul style="list-style-type: none"> • If information is held, meeting to consider whether information can be disclosed • Draft response
Day 10-15	<ul style="list-style-type: none"> • Collate information for disclosure and provide final draft
Day 15-20	<ul style="list-style-type: none"> • Response approved via meeting attendees • Full response sent or permitted extension letter
Day 20	<ul style="list-style-type: none"> • Information published on the organisation’s disclosure log • File all correspondence

Annex C – FOI Request Checklist

There is a practice to complete section at the end of the Freedom of Information request form. These notes should be read in conjunction with this to enable the request to be processed;

Establishing if the request is valid

- Requests for information do not need to mention the Act
- Anyone can make a request. There are no restrictions for example on the nationality or location of the applicant
- However, the request must be in writing (email or letter) and include the applicant's name (pseudonyms can be refused) and postal address or an email address to which a response can be sent
- The request should describe the information required
- Consider whether the request should be dealt with under the [Data Protection Act 2018](#) or the [Environmental Information Regulations 2004](#)

Cost Limit (Section 12 of the Act)

Will the cost of locating, retrieving and extracting the information exceed the appropriate limit?

The appropriate limit is £450.00 which represents the cost of one person determining whether the information is held within the organisation, locating, retrieving and extracting the information. The limit covers the time taken to find, sort, edit or redact material. You cannot include the time taken to consider whether an exemption applies or the PIT.

Establishing if the information is held

A person may request any recorded information held by a public authority (or held by another on behalf of a public authority). Recorded information can be held in the form of documents, emails, notes, videos and audio tapes.

If the applicant requires you to create information that is not already held at the time of receipt of the request, you are not obliged to create the information.

Is the information already available on the disclosure log?

If the information is already available, then the applicant should be directed to this information in the public domain.

Is the information closely connected with the functions of another public authority?

If the organisation does not hold the information that has been requested but you believe another public authority holds it, you should consider the best way to help the requester.

In most cases, this will mean contacting the requester and supplying the contact details of the public authority in question, having confirmed beforehand that they do hold the information.

Duty to provide advice and assistance

If the request is widely framed, you should consider whether:

- It would be helpful to consult with the requester to try to narrow or refine the request but only if the cost limit is exceeded
- How long it will take to retrieve and extract the information requested

Is it a vexatious or repeated request?

There is no need to comply with a request:

If it is vexatious, that is:

- It would impose a significant burden on the organisation
- It clearly does not have any serious purpose or value
- It is designed to cause disruption or annoyance
- It has the effect of harassing the organisation
- It can otherwise fairly be characterised as obsessive or manifestly unreasonable

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It is a repeated request, that is:

- Identical or substantially similar to a previous request from that person or persons you believe to be working together (unless a reasonable amount of time (roughly three months) has elapsed between them)

If we disclose this information, do we need to consult the communications team?

If we do hold this information, should it be released?

This depends on whether:

- Any of the information is personal information, in which case the information is exempt under Section 40 of the Act and fails to be considered under the Data Protection Act.
- Requests for environmental information should be considered in accordance with Environmental Information Regulations 2004 (EIRs)
- The information is now or soon to be publicly available in which case you have the discretion to refuse the request (Section 21 or 22 of the Act) but should either provide a link to the information or provide the applicant with details of where the information can be obtained
- Any of the other exemptions in the Act apply as per the exemption list. Further guidance on the exemptions can be found at [ICO - FOI Exemptions](#)

Absolute Exemptions (AE)

If an absolute exemption applies, there is no obligation under the Act to consider the request for information further.

Qualified Exemptions (QE)

Are subject to the public interest test. Qualified exemptions do not justify withholding information unless, following a proper assessment, the balance of the public interest is against disclosure. When applying a qualified exemption, the deadline may be extended to consider fully where the balance of public interest lies.

List of exemptions

AE	Section 21	Information accessible to applicant by other means	
AE	Section 23	Information supplied by, or relating to, bodies with security matters	
AE	Section 32	Court records	
AE	Section 34	Parliamentary privilege	
AE	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).	
AE	Section 40	Personal information (where the applicant is the data subject)	
AE	Section 41	Information provided in confidence	
AE	Section 44	Prohibitions on disclosure	
QE	Section 22	Information intended for future publication	
QE	Section 24	National security	
QE	Section 26	Defence	
QE	Section 27	International relations	
QE	Section 28	Relations within the United Kingdom	
QE	Section 29	The economy	
QE	Section 30	Investigations and proceedings conducted by public authorities	
QE	Section 31	Law enforcement	
QE	Section 33	Audit functions	
QE	Section 35	Formulation of Government policy	

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QE	Section 36	Prejudice to effective conduct of public affairs (for all public authorities except the House of Commons and the House of Lords)	
QE	Section 37	Communications with His Majesty, etc and honours	
QE	Section 38	Health and safety	
QE	Section 39	Environmental information	
QE	Section 40	Personal information (where the applicant is not the data subject)	
QE	Section 42	Legal professional privilege	
QE	Section 43	Commercial interests	

Detailed information on the exemptions can be found at [Part II](#) of the Freedom of Information Act 2000.

If it is a qualified exemption, have you considered the public interest test (PIT)?

For example, would the release of the information cause any harm (prejudice) and even if it would, does the public interest still favour disclosure?

The burden is on the organisation to show that the public interest in withholding the information is greater than the public interest in disclosure. Where possible, use specific arguments, i.e., what harm/prejudice would occur by releasing this information. If the balance falls 50:50, then information should be released.

If the response is late, please give the reasons for this:

If a public interest test extension has been applied, please give the reasons:

Reminder to include the standard complaints paragraphs at the end of your response:

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter by writing to:

The Atrium Health Centre; atrium.reception@nhs.net

If you remain unhappy with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

Information Commissioner

Wycliffe House

Water Lane

WILMSLOW

SK9 5AF

Annex D – FOI acknowledgement letter template

FOI acknowledgement letter

Dear [insert name]

FREEDOM OF INFORMATION ACT 2000

Thank you for your request for information under the requirements of the [Freedom of Information Act 2000](#). We started work on this request on [insert date]. As per Section 10 of the Act, you can expect a reply no later than 20 working days from this date. Therefore, the expected reply date for your request is [insert date].

There may be a fee payable for this information. This will be considered, and you will be informed if a fee is payable. In this event, the fee must be paid before the information is processed and released. The 20-day time limit for responses is suspended until receipt of the payment. If there is a fee payable, we will write to you again to let you know the process in this event.

For your information, the Act defines a number of exemptions that may prevent the release of the information you have requested. We will assess whether any of the exemption categories apply to your request (as per Part 11 of the Act) and if they do, or if there is a delay due to the application of an exemption, we will write to you again.

If any further assistance in this matter is required, please do not hesitate to contact me again.

Further information is also available from the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
WILMSLOW
SK9 5AF

Telephone: 0303 123 1113
ico.org.uk

Yours sincerely,

[Insert name and role]

Annex E – FOI response letter template

FOI response letter

Dear [insert name]

FREEDOM OF INFORMATION ACT 2000

Thank you for your request for information under the requirements of the [Freedom of Information Act 2000](#). You asked for information regarding [copy in request details here]

Following consideration of your request for information, I will answer your queries below in turn:

[Response here including any concerns, decision and any advice and assistance that may be available]

If you are unhappy with the result of your request for information, you may request an internal review within 40 days of the date of this letter by writing to:

[insert name, address and email]

If you remain unhappy with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The FOI complaint process can be completed either:

Electronically	ICO webpage titled FOI and EIR complaints
In writing to	Information Commissioner's Office Wycliffe House Water Lane WILMSLOW SK9 5AF
Telephone	0303 123 1113

Yours sincerely,

[Insert name and role]

Annex F – Exemption information under Part II

There are two types of class exemption:

1. Absolute exemption which does not require a test of prejudice or the balance of public interest to be in favour of non-disclosure.
2. Non-absolute exemption qualified by the public interest test which requires this organisation to decide whether it is in the balance of public interest to not disclose information.

With the exception of [Section 21](#) of the Freedom of Information Act 2000 (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	Absolute exemption
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 the applicant is the data subject)
Section 41	Information provided in confidence
Section 44	Prohibitions on disclosure

The exemptions that are non-absolute exemptions qualified by the public interest test are:

Section	Qualified exemption
Section 22	National security
Section 24	Information intended for future publication
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 His Majesty, etc. and honours
Section 38	Health and safety
Section 39	Environmental information
Section 40	Personal information (where the applicant is not the data subject)
Section 42	Legal professional privilege
Section 43	Commercial interests

Further information on the exemptions can be found within [Part II](#) of the Freedom of Information Act 2000.

Annex G – PIT requirement delay letter template

PIT requirement delay letter

Dear [insert name]

FREEDOM OF INFORMATION ACT 2000

Thank you for your letter/email received on [insert date]. Your request for information is being considered.

It is not possible to confirm, nor deny that the information you requested is held and/or to provide the information as this may not be considered to be in the public interest. Please be advised that this organisation is currently assessing this.

The exemption that may apply is Section [insert and provide an explanation]. It is anticipated that this will require additional time to process this request. The anticipated date for a decision is [insert date]. If this timescale needs to be revised, I will write to you again as to the reasons and provide you with a revised timescale.

If any further assistance in this matter is required, please do not hesitate to contact me again.

Further information is also available from the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
WILMSLOW
SK9 5AF

Telephone: 0303 123 1113

ico.org.uk

Yours sincerely,

[Insert name and role]