



**Hull**

**Clinical Commissioning Group**

# **Freedom of Information (FOI) Quarterly and Year End Report**

**NHS Hull Clinical Commissioning Group (CCG)**

**Quarter Four 2019/20 report covering the period  
from January to March 2020**

**and**

**Full Year 1 April 2019 to 31 March 2020**

**Freedom of Information Delivery Manager**

## INTRODUCTION

This report provides the Quarter Four position for requests received by NHS Hull Clinical Commissioning Group (CCG) under the Freedom of Information Act 2000 (FOIA) during the period; 1 January to 31 March 2020 and a comparison against the same period in 2018/2019. It also provides the Full Year 2019/2020 by Quarter and Year End position along with the Year End Comparison to 2018/2019.

### Volume of Requests – Timeliness of Responses

	<b>Quarter 4 2018/19</b>	<b>Quarter 1 2019/20</b>	<b>Quarter 2 2019/20</b>	<b>Quarter 3 2019/20</b>	<b>Quarter 4 2019/20</b>	<b>Year to Date Comparison</b>	
<b>Requests Received</b>	Jan – Mar 2019	April – June 2019* <sup>1</sup>	Jul – Sep 2019	Oct – Dec 2019	Jan – Mar 2020	2018/19	2019/20
<b>Total number of FOI requests received:</b>	<b>56</b>	<b>61*<sup>1</sup></b>	<b>71</b>	<b>80</b>	<b>66</b>	<b>252</b>	<b>278</b>
Total Number of FOIs Processed	56	61	70* <sup>2</sup>	78* <sup>2</sup>	65* <sup>2</sup>	251	274* <sup>2</sup>
Requests processed within 20 working days	56	61	70	78	65	250	274
Requests processed outside 20 working days	0	0	0	0	0	1	0
Percentage processed FOIs Completed within 20 working days	100%	100%	100%	100%	100%	99.6%	100%
Average time taken to process (days)	<b>16</b>	<b>17</b>	<b>18</b>	<b>16</b>	<b>15</b>	<b>15</b>	<b>16</b>

\*<sup>1</sup> Please see Quarter 2 2019/20 quarterly report for further detail.

\*<sup>2</sup> Clarification was sought and not received for 1 request in quarter two, 2 in quarter three and 1 in quarter 4.

Quarter Four 2019/20 has seen a decrease of 20% in the number of FOIA requests received and processed in comparison to the number of requests received and processed in Quarter Three 2019/20 and the average number of days to process the requests has decreased by 1 day to 15 days.

Against the same period in 2018/19 there has been a 16.1% increase, however the average number of days to process the requests decreased by 1 day to 15 days. All requests processed in Quarter Four were completed within the statutory 20 working day deadline.

The 2019/20 Year End position as at 31 March 2020 against the previous Financial Year 2018/19, has seen a 9.2% increase in the number of requests received and processed, and the average number of days taken to process them has increased by 1 day to 16 days, however all requests processed in year 2019/2020 were completed well within the statutory 20 working day deadline.

## Subject Area of Request

The CCG receives a variety of FOI requests on various topics and in some cases they contain multiple questions for a variety of types of information. They are diverse and singular, however the predominant subject area in Quarter Four was; Mental Health and Referral Management with 3 requests each, followed by; Continuing Healthcare, Neuro-rehabilitation and Falls with 2 requests each, were also popular topics.

Over the full year the predominant subject areas were Primary Care Networks with 14 requests, Mental Health; 13 requests followed by; Continuing Healthcare with 12 requests.

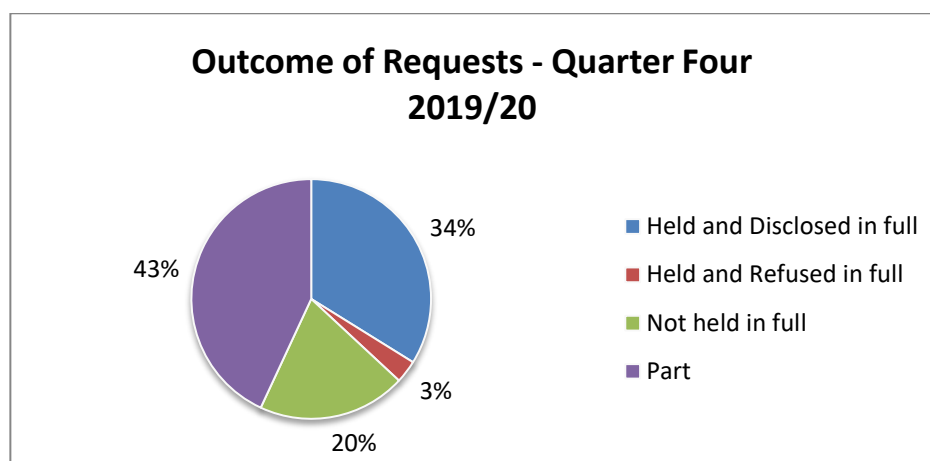
For a full illustration of the various topics for Quarter Four and the Full Year; please see **Appendix One**.

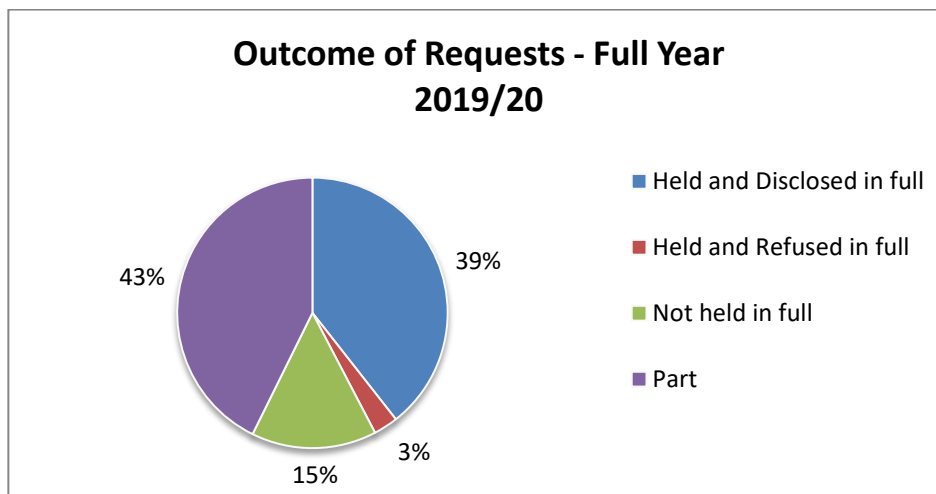
## Outcome of Requests Processed

The outcome of the 65 requests processed during Quarter Four and 274 processed during the Full Year is illustrated below:

	<b>Quarter 4</b>	<b>Full Year</b>
Information was Held and Disclosed in Full	22 - 34%	108 - 39%
Information was Held and Refused in Full as Exempt	2 - 3%	8 - 3%
Information not provided as not held by the CCG	13 - 20%	41 - 15%
Partially disclosed as not held by CCG or Exemption(s) applied	28 - 43%	117 - 43%
<b>Total Number of Requests</b>	<b>65</b>	<b>274</b>

The charts below display the proportion of requests by Outcome for Quarter Four and the Full Year 2019/2020.





During Quarter Four 2019/2020, of the 65 requests processed; 17% - 11 had one or more exemption applied to the request. For the Full Year 2019/2020; 274 requests processed; 57 had one or more exemption applied, which equates to 21%.

The following tables illustrate the number of instances information was not disclosed and the reason for refusal/exemption applied during the Quarter and Full Year 2019/2020. During Quarter Four and the Full Year the most commonly applied exemptions were Section 21; which demonstrates the CCG is able to redirect requesters to information which is already accessible to them and Section 40; which demonstrates the CCG is protecting personal data where appropriate.

<b>Exemption/Reason for Refusal for Quarter Four</b>	<b>Number of requests applied to</b>
Section 21 – Accessible to applicant by other means	6
Section 40 – Personal Data	6
<b>Total</b>	<b>12*</b>

<b>Exemption/Reason for Refusal for Full Year 2019/2020</b>	<b>Number of requests applied to</b>
Section 12 – Cost of Compliance	9
Section 21 – Accessible to applicant by other means	28
Section 40 – Personal Data	25
Section 43 – Commercial Interests	3
<b>Total</b>	<b>65*</b>

*\* One request can have more than one exemption applied within the response.*

The CCG has a duty under Section 16 to provide advice and assistance to individuals making requests for information under FOIA. In instances where the CCG does not hold the information requested or when information is accessible by other means, the CCG will advise applicants as to which organisation may hold the information. The table below shows which organisation(s) were highlighted as sources of information and on how many occasions during the Quarter and the Full Year.

	NHS-Acute	NHS-Mental Health	NHS Other	NHSE	GPs	Local Authority	NHS Prescription Services	NHS Digital	Private	Other
Q4	5	3	1			6	2	1	2	1
2019/2020	24	14	6	6	6	23	4	2	12	3

### Category of Requester

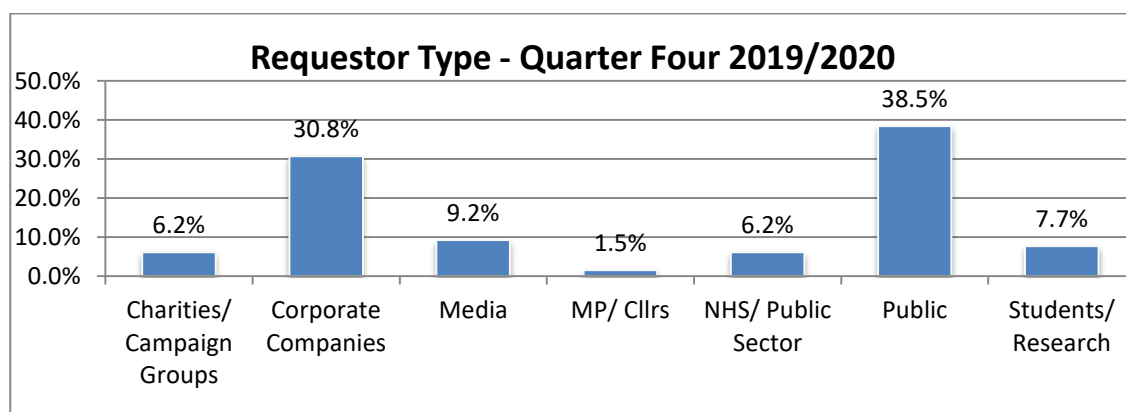
In accordance with the FOIA, the CCG maintains an 'applicant-blind' approach when providing information in response to requests. Where possible the type of FOI requester is recorded by the FOI team to help identify where the main demand for information originates.

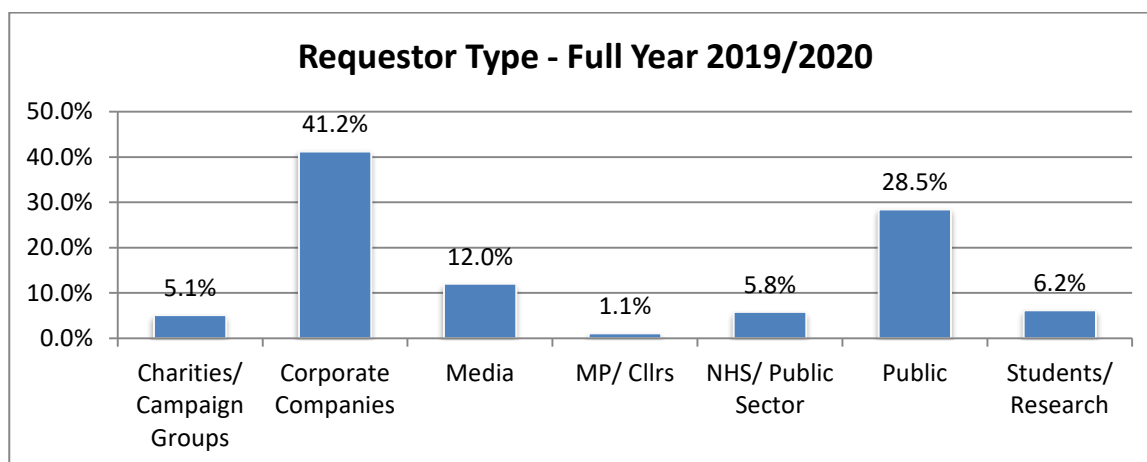
As shown in tables and charts below the two main types of requester appear to be individual members of the public and corporate companies in Quarter Four and Full Year 2019/20.

Summary of Requesters*	Quarter 4	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Year to Date Comparison	
	2018/19	2019/20	2019/20	2019/20	2019/20	2018/19	2019/20
	Jan - Mar	Apr - Jun	Jul - Sep 2019	Oct - Dec 2019	Jan - Mar		
Charities, Voluntary Sector / Campaign Groups	3	3	5	2	4	13	14
Corporate Companies	18	30	35	28	20	84	113
Media (local and national)	12	8	11	8	6	75	33
Members of Parliament / Local Councillors	0	1*	1	0	1	42	2
NHS/ Public Sector Organisations	3	3	2	7	4	8	16
Individual Members of the Public	15	12	14	27	25	19	78
Students / Research	5	4	2	6	5	17	17
<b>Total</b>	<b>56</b>	<b>61*</b>	<b>70</b>	<b>78</b>	<b>65</b>	<b>258</b>	<b>213</b>

Figures based on completed requests.

\*. Please see 2019/20 Quarter Two Report for further detail.





### **Internal Reviews**

There were no internal review requests received in Quarter Four between 1 January and 31 March 2020 or for the Full Year between 1 April 2019 and 31 March 2020.

### **Training**

There was no FOIA training delivered during Quarter Four. During 2019/2020 a Bitesize FOI training session was held in September 2019 during Team Talk. Although brief, the session included all aspects of the FOI process, exemptions, expectations, responsibilities and contact details and was well received by attendees.

### **Records Management**

During the 2019/2020 financial year, FOI request records from 2015/16 were reviewed for destruction as per Policy and approved sought in May 2020 including 2 records that require further retention following an FOI Internal review. Therefore all information related to FOI requests and responses along with all associated correspondence for year 2015/16 will be destroyed in line with Records Management Policy once approval is received.

### **Customer Feedback**

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. During Quarter Four, three were returned. The feedback was positive for Quickness of response, CCG website information, Publication Scheme and format of response. The rating for 'Ease of understanding the response' ranged from poor to Very Good and the rating for 'Did the response answer the question' ranged from Poor to Good. The overall 'Quality of Service Provided' using a score of 1–6, (with 1 being Poor and 6 being Very Helpful) scored 2,4,and 6, (average 4) and 'Overall Helpfulness' scored 2,4,and 5, (average 4). More details can be found in Attachment 1.

During Quarter One 2019/2020, the FOI team also sought feedback from all the individuals and teams with the CCG that have been involved in the FOI process either by supplying information to satisfy a request and/or approving responses for distribution. The feedback provided was very positive and the team received complementary comments on for their attitude and responsiveness as well as for the overall service provided. Please see Hull CCG Quarter One 2019/2020 Report for more detailed information.

The internal feedback survey will be repeated during May/June 2020 and the results will be reported within the Quarter One 2020/2021 Report.

## **Assurance**

In accordance with the FOI Shared Service Memorandum of Understanding (MOU) the FOI Team adhere to the information processing requirements as identified in Schedule 3 of the MOU. For example; all information processing is undertaken in accordance with NHS Information Governance requirements and current Data Protection Legislation, and the FOI Team have undergone adequate training in the use, care, protection and handling of Personal Data.

## **1 April 2019 to 31 March 2020 End of Year Summary**

In summary, during the period 1 April 2019 to 31 March 2020 the CCG processed 274 FOI Requests and provided information in full for 107 requests. The CCG did not provide the information requested for 57 cases because one or more exemption was applied either to part of, or to the whole request. The exemptions applied were: Information was accessible by other means, the cost of providing the information exceeded the limits set under FOIA, disclosure of information would be likely to prejudice the commercial interests of any person, or the information requested related to personal data.

The CCG did not provide all the information requested in 110 cases; partial information was provided and where the CCG did not hold the information, the applicant was redirected, where possible, to other organisation(s) that may hold the information.

All requests were responded to within the statutory 20 working days, and the average time taken to process the requests for the year was 16 working days.

The CCG did not receive any requests for an internal review on the FOI responses provided during the year.

## **Decision Notices - Information Commissioners Office (ICO) and News**

Appendix Two shows the ICO's health related Decision Notices for the quarter.

This quarter saw the Information Commissioner recognise the unprecedented challenges faced by all during the coronavirus (COVID-10) pandemic with regard to Freedom of Information and Data Protection and published documentation setting out the regulatory approach for FOI during the COVID-19 pandemic. This did not change the FOIA timescales but advised how the ICO would exercise their enforcement powers, deliver guidance and support the public with complaints or queries. More information can be found at: <https://ico.org.uk/about-the-ico/news-and-events/icos-blog-on-its-information-rights-work/>

In line with the guidance, the FOI team amended the FOI acknowledgment sent to requesters to include the guidance along with reassurance of our continued commitment. This was also advised in the email sent to staff within the CCG for information for FOI requests, and we have been able to support Hull CCG to maintain 100% compliance with FOIA response times.

Freedom of Information Delivery Manager

## Appendix One

### Quarter Four: 1 January 2020 to 31 March 2020

Row Labels	Themes	Count
<b>Commissioning</b>	Mental Health	3
	Referral management	3
	Continuing Healthcare	2
	Falls	2
	GP Extended Hours	1
	Transport provider	1
	26 week choice	1
	Antimicrobial resistance	1
	Autism	1
	Personal Health Budgets	1
	Childhood Cancer and Teenage and Young Adult treatment	1
	Fertility Treatment	1
	Gamete Storage - Transgender	1
	Project / Programme delivery	1
	Advocacy	1
	Cardiology Diagnostics	1
	Neuro-rehabilitation	1
	Procurement	1
	Womens Health	1
	Termination of Pregnancy	1
	Community Stroke Rehabilitation	1
	End of Life Care (EOLC)	1
	GP practice closures	1
	IFRs	1
	Mastectomy Surgery	1
	Data viewing systems	1
	Osteoporosis guidelines	1
	Audiology service	1
	Hospital discharge service	1
	Continence aid costs	1
	Care homes & telemedicine	1
	Ophthalmology	1
	Medicines management	1
	Dental Health	1
	Referrals	1
	Eating Disorders waiting times	1
	Community VTE Clinic	1
	Digital Strategy	1
	Urgent Treatment Centre	1
	Clinical Record Systems	1
Treatments and Consultations	1	
Continuous Glucose Monitoring (CGM)	1	
NHSE Funding Schemes	1	
<b>Commissioning Count</b>		<b>49</b>



<b>Corporate</b>	Sustainable Development Management	1
	Recruitment	1
	Register of Deaths	1
	Practice Managers	1
	Data Protection Act	1
<b>Corporate Count</b>		<b>5</b>
<b>Finance</b>	Agency spend	1
	Patient Transport Costs	1
	CCG Expenditure	1
<b>Finance Count</b>		<b>3</b>
<b>Pharmaceutical</b>	Diabetes	1
	Drug Tariff	1
	Repeat Prescriptions	1
	Pharmaceutical spend	1
	Viscosupplementation injections	1
	Prescribing Rebate Schemes	1
	Formulary STP	1
<b>Pharmaceutical Count</b>		<b>7</b>
<b>IT</b>	Cyber Security	1
<b>IT Count</b>		<b>1</b>
<b>Grand Total</b>		<b>65</b>

**Full Year 31 March 2019 to 31 March 2020  
Request Subject by Category**

Row Labels	Themes	Count
<b>Commissioning</b>	Primary Care Networks	14
	Mental Health	13
	Continuing Healthcare	12
	Diabetes	5
	Personal Health Budgets	4
	Contracts	4
	IFR	3
	Learning Disabilities	3
	Autism	3
	Referral management	3
	Neuro-rehabilitation	2
	Falls	2
	MSK	2
	Fertility Treatment	2
	Non-emergency patient transport	2
	Weight Management	2
	Termination of Pregnancy	2
	Interpreting services	2
	Cataract procedures	1
	IFRs	1
	Drug and Alcohol Service	1

	Prostate Cancer	1
	POLCE	1
	Antimicrobial resistance	1
	LEDER	1
	IVF	1
	MSK services	1
	Nurses	1
	Eating Disorders	1
	Care Homes	1
	Abortion	1
	Estates and technology Transformation Fund	1
	Community Interest Companies	1
	Locked Rehabilitation	1
	Use of telehealth care monitoring	1
	Pathology	1
	NHS 111	1
	Cataract Surgery	1
	Abortion waiting times	1
	Formulary	1
	Advocacy	1
	Interpretation services	1
	Womens Health	1
	Procurement	1
	Patient Communications	1
	Functional bowel / IBS clinic	1
	Private Healthcare	1
	Section 117 funding	1
	Intermediate Care Medical Cover	1
	Endoscopy services	1
	Wellbeing Prescribers	1
	Sexual Health Posting testing kits	1
	Cerebral Palsy	1
	Continuous Glucose Monitoring devices	1
	Specialist Residential Placements	1
	Orthotic Departments	1
	Cartridges used in printers at GP practices	1
	Optional GP services	1
	Delivery of services to children and families	1
	Inpatient rehabilitation	1
	Medicines management in care homes	1
	Funding support to Hospices	1
	Community Paediatric dysphagia services	1
	Worster-Drought Syndrome	1
	Audiology service	1
	Missed GP appointments	1
	Project / Programme delivery	1
	Referrals	1
	Cardiology Diagnostics	1

	Nursing and residential homes	1
	Wheelchair services	1
	Plastic Speculum	1
	Contact details	1
	Axial Spondyloarthritis	1
	Spend on Care	1
	Surgical services	1
	Abortion	1
	ReSPECT form	1
	Non-pharmacological therapy	1
	NHS 111 / IUC service	1
	Electronic Patient Records	1
	Adult Eating Disorders	1
	Social enterprises	1
	Specialist Stroke Unit	1
	Wrist Fractures	1
	Benchmarking supplier	1
	Hip & Knees Best Practice Tariff Enquiry	1
	Intelligent Automation (IA) – RPA (Robotic Process)	1
	Integrated Care Service / 111	1
	Infection Control support	1
	Clinically assisted nutrition and hydration (CANH)	1
	CAMHS	1
	Out of Hours and 111 Services	1
	Homelessness	1
	Medication Prompts	1
	Anticoagulation	1
	Cognitive Behavioural Therapy	1
	Continence aid costs	1
	Pilot Schemes	1
	Ophthalmology	1
	Urology Product Formularies	1
	Eating Disorders waiting times	1
	Transforming care - Learning Disability / Autism	1
	Clinical Record Systems	1
	Transcranial magnetic stimulation	1
	NHSE Funding Schemes	1
	Enhanced services payment	1
	GP Extended Hours	1
	Primary Care Networks	1
	Childhood Cancer and Teenage and Young Adult treatment	1
	End of Life Care (EOLC)	1
	26 week choice	1
	Data viewing systems	1
	Gamete Storage - Transgender	1
	Out of Hours	1
	Transport provider	1

	Dental Health	1
	Patient Participation	1
	Digital Strategy	1
	IMT	1
	Continuous Glucose Monitoring (CGM)	1
	Serious injuries to babies	1
	Community Stroke Rehabilitation	1
	Fraud	1
	GP practice closures	1
	Genetic Haemochromatosis	1
	Mastectomy Surgery	1
	Pregnancy	1
	Osteoporosis guidelines	1
	DPO	1
	Hospital discharge service	1
	Wound Care	1
	Care homes & telemedicine	1
	Holter ECG	1
	Medicines management	1
	PuPoC	1
	Referrals	1
	Brexit	1
	Community VTE Clinic	1
	Skin Emollient Products	1
	Urgent Treatment Centre	1
	Procedures	1
	Treatments and Consultations	1
	Fractures	1
	VTE	1
<b>Commissioning Count</b>		<b>207</b>
<b>Corporate</b>	Contact details	6
	Primary Care Networks	2
	Structure	2
	Data Protection Act	1
	Telephony/VOIP	1
	Salary details	1
	Apprenticeship levy	1
	Mobile / Personal Devices	1
	Business Intelligence	1
	Register of Deaths	1
	Telephone system maintenance	1
	FOI	1
	Infected blood inquiry	1
	Salaries/Bonus	1
	Declarations of interest	1
	Recruitment	1
	Policies	1
	Practice Managers	1

	Postcodes	1
	Sustainable Development Management	1
	Brexit	1
	Referral management	1
	Meeting minutes/correspondence	1
	Consultants	1
<b>Corporate Count</b>		<b>31</b>
<b>Finance</b>	Interim appointments	1
	Glaucoma	1
	Patient Transport Costs	1
	Agency spend	1
	Pharmaceutical spends	1
	Dynamic Purchasing System	1
	CCG Expenditure	1
	GP IT spending	1
	Contracts	1
	End of Life	1
<b>Finance Count</b>		<b>10</b>
<b>Human Resources</b>	Recruitment	1
	Disciplinary	1
	Processing of organisation staff	1
<b>Human Resources Count</b>		<b>3</b>
<b>Pharmaceutical</b>	Formulary	3
	Rebate Schemes	2
	Pharmaceutical spend	1
	Diabetes	1
	Formulary STP	1
	Contact details	1
	MMO Team	1
	Pharmaceutical Rebates	1
	Prescribing Rebate Schemes	1
	Repeat Prescriptions	1
	Prescribing	1
	Drug Tariff	1
	Viscosupplementation injections	1
	Cannabis Prescriptions	1
	Pharmacy Service Commissioning	1
<b>Pharmaceutical Count</b>		<b>18</b>
<b>IT</b>	IT	2
	IT Service Management and Desktops ITAM	1
	Mobile Phones	1
	Cyber Security	1
<b>IT Count</b>		<b>5</b>
<b>Grand Total</b>		<b>274</b>

## Appendix Two

### DECISION NOTICES Health Related (15 in total) 1 January – 31 March 2020

#### [NHS Redbridge Clinical Commissioning Group](#)

31 Mar 2020, Health

The complainant requested information on the funding of Green Lodge. The NHS Redbridge Clinical Commissioning Group (the CCG) confirmed that it did not hold any information. The complainant considered that information must be held. The Commissioner's decision is that, on the balance of probabilities, it is likely that the CCG does not hold any further information within the scope of the request. The Commissioner does not require the CCG to take any steps.

FOI 1: Complaint not upheld

[Decision notice FS50810398](#)

#### [Medicines and Healthcare Products Regulatory Agency](#)

13 Mar 2020, Health

The complainant has requested information associated with a Commission on Human Medicines' Expert Working Group report on Hormone Pregnancy Tests. The Medicines and Healthcare Products Regulatory Agency (MHRA) released some information and withheld the remainder under sections 36(2)(b) and 36(2)(c) of the FOIA (prejudice to effective conduct of public affairs) and section 40(2) (personal data). Its position is that the public interest favours maintaining the section 36 exemptions. The complainant disputes MHRA's reliance on section 36 to withhold some of the information she has requested. The Commissioner's decision is as follows: The disputed information engages the exemptions under section 36(2)(b) but not that under section 36(2)(c). The public interest favours disclosing the withheld information. The Commissioner requires MHRA to take the following steps to ensure compliance with the legislation. Release the information being withheld under section 36(2)(b), having first redacted all the personal data from it. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 36: Complaint upheld

[Decision notice FS50901560](#)

#### [NHS England](#)

10 Mar 2020, Health

The complainant has requested information on 19 items that presented opportunities for learning, which had been referred to in a meeting. NHS England (NHSE) relied on section 21 of the FOIA to withhold the information as it said it was already accessible to the complainant in a report that it had provided to them previously. The complainant disputed NHSE's reliance on section 21 but considers that NHSE does hold the information they have requested elsewhere. The Commissioner's decision is as follows: NHSE incorrectly applied the exemption under section 21(1) of the FOIA to the requested information. This is because, on the balance of probabilities, NHSE does not hold the requested information – in the report or elsewhere. NHSE breached section 1(1)(a) of the FOIA as it indicated it holds the requested information when, on the balance of probabilities, it does not. The Commissioner does not require NHSE to take any remedial steps.

FOI 21: Complaint upheld FOI 1: Complaint upheld

[Decision notice FS50871523](#)

### [University Hospital of Derby and Burton NHS Foundation Trust](#)

2 Mar 2020, Health

The complainant made a freedom of information request about D-Hive and the cancellation of Derby Sound. The University Hospitals of Derby and Burton NHS Foundation Trust (the Trust) refused the request under the section 43(2) (commercial interests) exemption. The Commissioner's decision is that the Trust has not successfully applied Section 43(2) of the FOIA. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: disclose the withheld information. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 43: Complaint upheld

[Decision notice FS50870072](#)

### [NHS Resolution](#)

28 Feb 2020, Health

The complainant has requested information on the volume of cases submitted to NHS Resolution's Practitioner Performance Advice Service in connection to the Royal Berkshire Hospital NHS Foundation Trust. NHS Resolution (NHSR) says it does not hold information falling within the scope of two parts of the request. It has released some relevant information and is withholding information that falls within one part of the request under section 36(2)(b)(i) and section 36(2)(c) (prejudice to effective conduct of public affairs). It considers the public interest favours maintaining these exemptions. NHSR considers that this information also engages the exemption under section 40(2) of the FOIA (third person personal data). The complainant disputes that the information is exempt from disclosure. The Commissioner's decision is as follows: The information requested in part 1 of the complainant's request is exempt from disclosure under section 36(2)(b)(i) and section 36(2)(c) of the FOIA and the public interest favours maintaining these exemptions. The information is also exempt information under section 40(2). NHSR breached section 10(1) and section 17(1) of the FOIA as it did not communicate the relevant information it holds or issue a refusal notice in respect of other relevant information within 20 working days. The Commissioner does not require NHSR to take any remedial steps.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 40: Complaint not upheld FOI 36: Complaint not upheld

[Decision notice FS50873968](#)

### [General Medical Council](#)

20 Feb 2020, Health

The complainant has requested the qualifications of a specific individual. The General Medical Council (the GMC) has refused to confirm or deny it holds this information, under section 40(5B)(a)(i) of the FOIA (personal data) as to do so would disclose two individuals' personal data. The Commissioner's decision is as follows: The GMC can rely on section 40(5B)(a)(i) of the FOIA to refuse to confirm or deny it holds the requested information as to do so would contravene data protection legislation. Confirmation or denial would release the personal data of one of the two individuals above. The Commissioner does not require the GMC to take any remedial steps.

FOI 40: Complaint not upheld

[Decision notice FS50838516](#)

### [Harrogate Healthcare Facilities Management Ltd](#)

18 Feb 2020, Health

The complainant requested information about a publication scheme. The Commissioner's decision is that Harrogate Healthcare Facilities Management Ltd failed to respond to the

request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires HHFM to take the following steps to ensure compliance with the legislation: issue a substantive response, under the FOIA, to the request.

FOI 10: Complaint upheld

[Decision notice FS50902137](#)

#### [London North West University Healthcare NHS Trust](#)

12 Feb 2020, Health

The complainant requested information from London North West University Healthcare NHS Trust (“the Trust”) relating to issues arising from meetings about Cancer Services. The Trust provided some information to the complainant, but stated that the remainder of the requested information was not held. The Commissioner’s decision is that the Trust does not hold the remainder of the requested information. However, it failed to comply with the requirements of section 10(1) of the FOIA since, as detailed in this notice, it did not provide a response to the complainant within 20 working days of receiving his requests of 28 July 2018 and 4 January 2019, respectively. The Commissioner does not require the Trust to take any steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice FS50789145](#)

#### [Weston Area Health NHS Trust](#)

4 Feb 2020, Health

The complainant has requested Weston Area Health NHS Trust (the trust) to disclose information relating to doctors subjected to disciplinary action in the last 5 years. The trust disclosed the requested information to the complainant but refused to disclose the exact allegations for each case under section 40 of the FOIA. The complainant did not dispute the application of section 40 of the FOIA but disagreed with the information disclosed and felt further recorded information is held or should be provided. The Commissioner is satisfied that the trust has now provided all the recorded information it holds falling within the scope of the complainant’s requests. She therefore does not require any further action to be taken. The Commissioner has however found the trust in breach of sections 1(1)(a) and (b) and section 10 of the FOIA.

FOI 10: Complaint upheld FOI 1(1)(a): Complaint partly upheld FOI 1(1)(b): Complaint partly upheld

[Decision notice FS50869146](#)

#### [NHS England](#)

29 Jan 2020, Health

The complainant has requested NHS England to disclose all the information it holds relating to the decision to exclude the eMBED Health Consortium and Optum from the Population Health Management IG Support Tool (PHMIGST) work programme. NHS England disclosed the requested information but redacted the personal data of several of its employees and external individuals in accordance with section 40(2) of the FOIA. The Commissioner’s decision is that NHS England is entitled to rely on section 40(2) of the FOIA for some of the withheld information. She has however concluded that section 40(2) is not engaged for the remainder. The Commissioner has also concluded that NHS England breached section 10 of the FOIA in this case. She therefore requires NHS England to disclose the withheld information which is not exempt by virtue of section 40(2).

FOI 10: Complaint upheld FOI 40(2): Complaint partly upheld

[Decision notice FS50818400](#)



### [East of England Ambulance Service NHS Trust](#)

27 Jan 2020, Health

The complainant requested information concerning “contact point locations”, ranked according to a demand analysis. The Commissioner’s decision is that the East of England Ambulance Service NHS Trust (the Trust) failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50899988](#)

### [NHS Nene Clinical Commissioning Group](#)

20 Jan 2020, Health

The complainant has requested particular correspondence between a named individual and other parties. NHS Nene Clinical Commissioning Group (‘the CCG’) has confirmed it holds some of the requested information and that this is exempt information under section 36(2)(c) of the FOIA (prejudice to the effective conduct of public affairs), with the public interest favouring maintaining the exemption. The complainant is not satisfied with the CCG’s reliance on section 36(2)(c) with regard to the relevant information it holds. The Commissioner’s decision is as follows: At the time of the request, the CCG was correct to withhold the disputed information under section 36(2)(c) of the FOIA, and the public interest favoured maintaining this exemption. The CCG breached section 17(1) as it did not issue the complainant with a refusal notice within 20 working days of receiving his request. The Commissioner does not require the CCG to take any remedial steps.

FOI 17: Complaint upheld FOI 36: Complaint not upheld

[Decision notice FS50867800](#)

### [Chesterfield Royal Hospital NHS Foundation Trust](#)

17 Jan 2020, Health

The complainant has requested information from Chesterfield Royal Hospital NHS Foundation Trust (‘the Trust’), about the criteria to receive bypass surgery for lower limb revascularisation and the Trust’s roles and responsibilities within the network. The Commissioner’s decision is that on the balance of probabilities, the Trust has provided all the information it holds in relation to the scope of the requests. However, the Commissioner found a procedural breach of section 10(1) of the FOIA (time for compliance). The Commissioner does not require the Trust to take any further steps as a result of this notice.

FOI 1: Complaint not upheld FOI 10(1): Complaint upheld

[Decision notice FS50847755](#)

### [North West Boroughs Healthcare NHS Trust](#)

17 Jan 2020, Health

The complainant has requested information concerning the harm caused to individuals’ mental health by racism and the perception of racism. North West Boroughs Healthcare NHS Foundation Trust (‘the Trust’) considers it has addressed the request as far as it understands it and has released all the relevant information it holds. The Trust acknowledged that it had breached section 10 of the FOIA (time for compliance) but considered it had complied with its obligation under section 1 (general right of access). The complainant disagrees. The Commissioner’s decision is as follows: The Trust’s final interpretation of the request is reasonable interpretation. The Trust breached section 1(1)(a) of the FOIA as, in its final response and internal review, it did not clearly confirm to the complainant that it does not hold the specific information he requested on 20 October 2018. The Commissioner is satisfied, on the balance of probabilities, that the Trust does not hold the information specifically requested. The Trust’s response dated 29 January 2019 to the request of 20 October 2018 breached section 10(1) as it was provided outside the 20 working day limit and the Trust had not complied with section 1(1). The Trust complied with

the time limit under section 17(5) regarding its refusal of the request when it was originally submitted on 18 September 2018. The Commissioner does not require the Trust to take any remedial steps .

FOI 17: Complaint not upheld FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice FS50849398](#)

### [NHS England](#)

8 Jan 2020, Health

The complainant has requested information from NHS England in the form of slide packs relating to a speech given in 2015 by Jeremy Hunt about proposals for an NHS seven day service. NHS England refused to provide the information explaining that it would be withheld under section 36 in line with extant Appeals concerning the slide packs, later stating that it did not hold the information. The Commissioner's decision is that NHS England has failed to demonstrate that it does not hold the requested information and has therefore failed to comply with section 1 of the FOIA. Additionally, NHS England did not engage sufficiently with the complainant to establish what he was requesting before it stated that the information was not held. Therefore the Commissioner finds that NHS England breached its section 16 duty to provide advice and assistance. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Issue a fresh response to the complainant, which does not rely on the information not being held.

FOI 1: Complaint upheld FOI 16: Complaint upheld

[Decision notice FS50843752](#)