



Hull

Clinical Commissioning Group

Freedom of Information (FOI) Quarterly Report

NHS Hull Clinical Commissioning Group (CCG)

**Quarter Two 2020/2021 report covering the period
from 1 July 2020 to 30 September 2020**

Freedom of Information Delivery Manager

INTRODUCTION

This report provides the Quarter Two position for Requests received by NHS Hull Clinical Commissioning Group (CCG) under the Freedom of Information Act 2000 (FOIA) during the period; 1 July to 30 September 2020, a comparison against the previous Quarter and the same period in 2019/2020. It also provides the cumulative year position 2020/2021 and 2019/2020 year comparison.

	Quarter 2 2019/20	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Year to Date Comparison	
Requests Received	Jul - Sep	Apr – Jun	Jul – Sep	Oct– Dec	Jan - Mar	2019/20	2020/21
Total number of FOI requests received:	71	29	69			132	98
Total Number of FOIs Processed	70*	29	69			131*	98
Requests processed within 20 working days	70	29	69			131	98
Percentage processed FOIs Completed within 20 working days	100%	100%	100%			100%	100%
Average time taken to process (days)	18	15	14			17	14

* Clarification was sought and not received therefore closed.

Quarter Two 2020/2021 saw an increase of 58.0% in the number of FOIA requests received and processed compared to the number of requests received and processed in Quarter One 2020/2021, however the average number of days to process the requests decreased to 14 days.

Against the same period in 2019/2020 there has been a 1.4% decrease and the average number of days to process the requests also decreased. All requests processed during the Quarter were completed within the statutory 20 working day deadline.

It is assumed that the slight decrease in the number of requests during the period continues to be due to the Covid-19 Pandemic. However, despite this the CCG continues to maintain the FOI Service and responses are provided within the statutory timeframe.

Subject Area of Request

The CCG receives a variety of FOI requests on various topics and in some cases they contain multiple questions for various types of information. They are diverse and

singular however the predominant subject area in Quarter Two was Covid-19 with seven requests, followed by Mental Health with six requests also proving a popular topic.

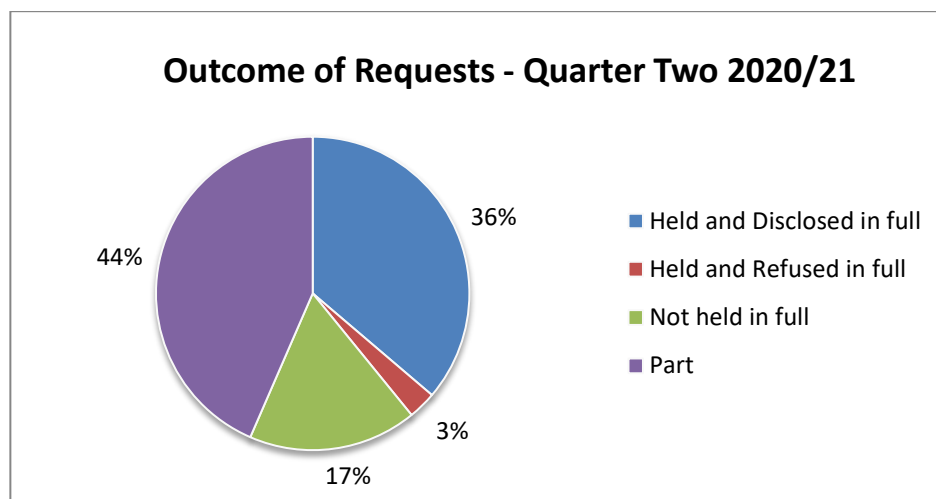
For a full illustration of the various topics for Quarter Two please see **Appendix One**.

Outcome of Requests Processed

The outcome of the processed requests by Quarter is illustrated below:

	Quarter One	Quarter Two
Information was Held and Disclosed in Full	21 (72%)	25 (36%)
Information was Held and Refused in Full as Exempt	1 (4%)	2 (3%)
Information not provided as not held by the CCG	0	12 (17%)
Partially disclosed as not held by CCG or Exemption(s) applied	7 (24%)	30 (43%)
Total Number of Requests	29	69

The chart below displays the proportion of requests by Outcome for the Quarter.



During Quarter Two 2020/2021, of the 69 requests processed; 22% - 15 had one or more exemptions applied to the request.

The following tables illustrate the number of instances information was not disclosed and the reason for refusal/exemption applied during the Quarter. During Quarter Two the most commonly applied exemptions were Section 40 and Section 21; which demonstrates the CCG is able to apply the FOIA exemptions with regard to Data Protection Legislation and also provide reasonable and appropriate assistance with regard to information that is already available by other means.

Exemption/Reason for Refusal for Quarter Two	Number of requests applied to
Section 14 – Repeat Request	1
Section 21 – Accessible to applicant by other means	7
Section 40 – Personal Data	7
Total	15

* 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 each Quarter.

2020 / 2021	NHS- Acute	NHS- Mental Health	NHS Other	NHSE	GPs	Local Authority	NHS Prescription Services	NHS Digital	Independent	Other
Q1	1	0	0	0	0	1	0	0	0	0
Q2	13	5	2	5	0	1	1	2	6	2

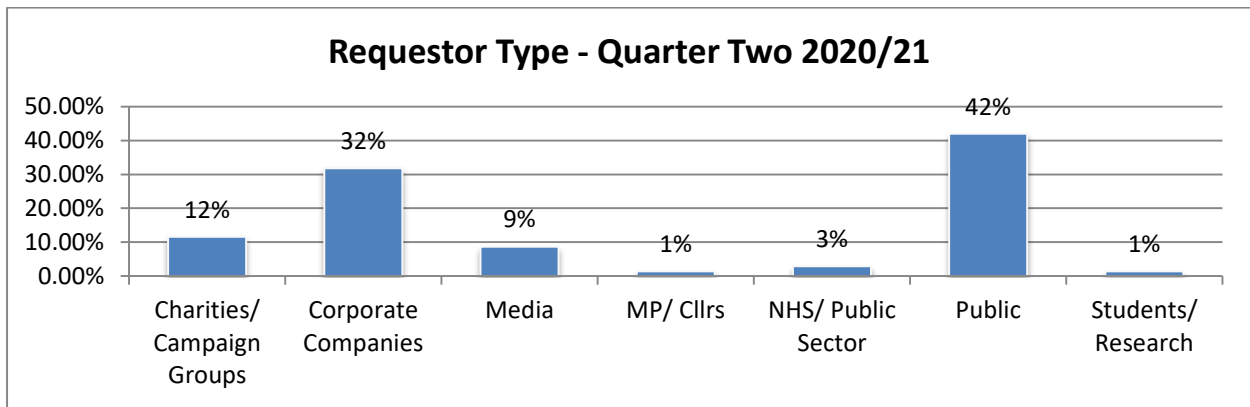
Category of Requester

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 table and chart below the two main types of requester appear to be individual members of the public in this Quarter.

Summary of Requesters*	Quarter 2 2019/20	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Year to Date Comparison	
	Jul - Sep	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	2019/20	2020/21
Charities, Voluntary Sector / Campaign Groups	5	1	8			8	9
Corporate Companies	35	3	22			65	25
Media (local and national)	11	4	6			19	10
Members of Parliament / Local Councillors	1	0	1			2	1
NHS/ Public Sector Organisations	2	6	2			5	8
Individual Members of the Public	14	14	29			26	43
Students / Research	2	1	1			6	2
Total	70	29	69	0	0	131	98

Figures based on completed requests.



Internal Reviews

There were no Internal Review requests received during Quarter Two between 1 July and 30 September 2020.

Training

No Freedom of Information Act specific training sessions were provided during Quarter Two. The FOI team reviewed and update a two page 'Quick Guide to FOI' to help staff understand their responsibilities under FOIA and it was circulated during Quarter Two. FOI general or specific training is available from the FOI Team on request.

Customer Feedback

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. None were returned during Quarter Two.

The approved FOI Quarterly Reports have been published on the CCG for some time and currently contain Reports from 2018/2019 to date. The publication of each report is highlighted to CCG staff in the staff newsletter along with a web link following publication of the report.

Decision Notices - Information Commissioners Office (ICO) and News

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

The COVID-19 Pandemic has continued to affect the NHS and FOI during Quarter Two. As the UK's response to COVID-19 continues to evolve towards recovery, The Information Commissioner has continued to make changes to adapt the regulatory approach with regard to Freedom of Information and Data Protection and published it on the ICO website as changes were made in order to provide up to date information. The ICO have remained pragmatic and empathetic to the pressures faced by public authorities and continues to be supportive and offer advice on responding to the challenges of the pandemic. More information can be found on the ICO website 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 continue to advise requesters of the ICO regulatory approach in the acknowledgment along with reassurance of our continued commitment. We

have also continued to support and assist CCG staff, who provide information for FOI requests and have maintained 100% compliance with FOIA response times during the Quarter.

Freedom of Information Delivery Manager

Appendix One

Quarter Two: 1 July 2020 to 30 September 2020 Request Category by Subject Area

Subject	Count
Commissioning	50
Mental Health	6
Covid-19	5
Continuing Healthcare	3
Primary Care	3
Ophthalmology	3
Personal Health Budgets	2
Surgical Services	2
Appliances	2
Termination of Pregnancy	2
Rheumatology	2
Dental	2
Cardiology	1
Bereavement Service	1
ADHD	1
Autism	1
IVF Treatment	1
Diabetes	1
Learning Disabilities	1
STP	1
Ambulance Services	1
Childhood Vaccinations	1
RTT Pathways	1
Smith-Magenis Syndrome	1
Mast Cell Activation Syndrome	1
Rebate Schemes	1
Surgical equipment	1
Remote Healthcare	1
Community Equipment	1
Telehealth	1
Corporate	7
Contact Details	1
PALS	1
Patents / Licenses	1
STP	1
SAR	1

Telephone Systems	1
Sustainability	1
Finance	3
Workforce	1
Finance System	1
Contracting / Procurement	1
HR	4
Policies & Procedures	1
Outsourcing	1
Staff	1
Covid-19	1
IT	3
Local Area Network (LAN)	2
IT Services	1
Pharmaceutical	2
Covid-19	1
Rebate Schemes	1
Grand Total	69

Appendix Two

DECISION NOTICES Health Related (20 in total) 1 July – 30 September 2020

[NHS Commissioning Board \(NHS England\)](#)

29 Sep 2020, Health

The complainant has made a request for information relating to the data anonymisation method used for providing data to Palantir and Faculty AI. Despite the intervention of the Commissioner, the NHS Commissioning Board (NHS England) has not provided a response to the request in accordance with the FOIA. The Commissioner's decision is that NHS England has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires NHS England to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice IC-52757-N3K0 PDF \(1k\)](#)

[General Optical Council](#)

25 Sep 2020, Health

The complainant requested copies of original statements issued in or around March 2020 by the General Optical Council (GOC) regarding the suspension of routine services and suggestions about other procedural changes in response to the Covid-19 pandemic. By the date of this notice the GOC had failed to issue a substantive response to this request. The Commissioner's decision is that the GOC failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires the GOC to take the following steps to ensure compliance with the legislation. Issue a substantive response, under the FOIA, to the request. The GOC 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 FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-50031-S7G8 PDF \(1k\)](#)

[NHS South West London Clinical Commissioning Group](#)

24 Sep 2020, Health

The complainant requested information from NHS Merton Clinical Commissioning Group about proposals for Wilson Health and Wellbeing Campus. During the Commissioner's investigation, NHS Merton Clinical Commissioning Group merged to become part of NHS South West London Clinical Commissioning Group ('the CCG'), with the latter taking on the functions of the former. The CCG's position is that it does not hold information falling within the scope of the complainant's request. The Commissioner's decision is as follows: On the balance of probabilities, the CCG does not hold the information the complainant has requested. The CCG breached section 10(1) of the FOIA as it did not confirm it does not hold the information within 20 working days of receiving the request. The Commissioner does not require the CCG to take any remedial steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-45090-V1Y9 PDF \(1k\)](#)

Appendix Two

Gloucestershire Hospitals NHS Foundation Trust

17 Sep 2020, Health

The complainant has requested information relating to which ward a particular consultant transferred from before working on another specified ward. The Trust initially refused to confirm or deny whether the requested information was held under section 40(5) FOIA. Subsequently, during the Commissioner's investigation it confirmed that it did not hold the requested information under section 1(1)(a) FOIA. The Commissioner considers that on the balance of probabilities, there is no recorded information held by the Trust under section 1(1)(a) FOIA falling within the scope of the request. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-50272-S7G0](#) PDF (1k)

Gloucestershire Hospitals NHS Foundation Trust

17 Sep 2020, Health

The complainant has requested information relating to complaints about a named doctor and deaths statistics on a ward the named doctor was associated with. The Trust refused to confirm or deny whether some of the requested information was held, it withheld some of the requested information under section 40(2) FOIA and confirmed that it did not hold some of the requested information under section 1(1)(a) FOIA. The Commissioner considers that the Trust correctly applied the exemptions at section 40(2) and 40(5) FOIA and that on the balance of probabilities, the remaining information requested is not held by the Trust under section 1(1)(a) FOIA. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld FOI 40: Complaint not upheld

[Decision notice IC-46406-S9Q6](#) PDF (1k)

NHS Commissioning Board (NHS England)

17 Sep 2020, Health

The complainant requested information concerning any responses to the findings of Exercise Cygnus, including correspondence between The NHS Commissioning Board (NHS England) and the Department of Health and Social Care relating to Exercise Cygnus between October 2016 and 24 May 2020. The Commissioner's decision is that NHS England failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires NHS England to take the following steps to ensure compliance with the legislation. Issue a substantive response, under the FOIA, to the request. NHS England 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 FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-47477-K9F5](#) PDF (1k)

General Optical Council

9 Sep 2020, Health The complainant requested information from the General Optical Council ("the GOC") for a copy of its Register of Interests for the GOC council members. The Commissioner's decision is that the GOC has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the GOC to respond to complainant's request in accordance with the FOIA.

FOI 10: Complaint upheld

Appendix Two

[Decision notice IC-46716-Q5V6](#) PDF (1k)

[Norfolk and Norwich Hospitals NHS Foundation Trust](#)

4 Sep 2020, Health

The complainant requested information relating to the Norwich Anaesthetic Group. The Commissioner's decision is that Norfolk & Norwich University NHS Trust ("the Trust") failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation. Issue a substantive response, under the FOIA, to the request. The Trust 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 FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-53611-Q3P9](#) PDF (1k)

[NHS West Sussex Clinical Commissioning Group](#)

28 Aug 2020, Health

The complainant has made two requests for information relating to the provision of continuing health care for patients with Acquired Brain Injury (ABI). The first was for the job description of the officer responsible for commissioning such care and the second for the standard contract used when commissioning the care. NHS West Sussex Clinical Commissioning Group (the CCG) has withheld the job description under section 40 on the basis that it is the personal data of the post holder. It did eventually provide a copy of the relevant 'standard contract'. The Commissioner's decision is that the CCG is not entitled to withhold the job description under section 40. To avoid the risk of disclosing any personal data relating to the post holder in the public version of this notice, a confidential identifying the specific role has been provided to the CCG and the complainant. The Commissioner finds that the CCG has now provided all the information relating to the standard contract. However by disclosing this information outside the 20 working days the CCG has breached section 10. The CCG has also breached section 10 by failing to provide the job description. The Commissioner requires the public authority to disclose the job description identified in the confidential annex.

FOI 10: Complaint upheld FOI 40(2): Complaint upheld FOI 1: Complaint not upheld [Decision notice IC-45844-V2X8](#) PDF (1k)

[St George's University Hospitals NHS Foundation Trust](#)

27 Aug 2020, Health

The complainant has requested a copy of a letter submitted to St George's University Hospitals NHS Foundation Trust ("the Trust") regarding concerns with its cardiac surgery service. The Trust refused the request on the basis of section 40, 41 and 36 of the FOIA. The Commissioner's decision is that the Trust has correctly applied the provisions of section 41 to withhold the requested information. She has therefore not gone on to consider the application of the section 40 or 36 exemptions and she does not require the Trust to take any steps.

FOI 41: Complaint not upheld

[Decision notice IC-47657-Z4N7](#) PDF (1k)

[Manchester University NHS Foundation Trust](#)

21 Aug 2020, Health

The complainant has requested a report detailing the findings and outcomes of an Invited Service Review of the Trauma and Orthopaedics surgical service at Manchester University NHS Foundation Trust (the Trust). The Trust withheld the information, citing the exemptions

Appendix Two

under sections 36, 40, and 41 of the FOIA. The Commissioner's decision is that the requested information is exempt from disclosure under section 36(2)(b) of the FOIA and the public interest favours maintaining the exemption. The Information Commissioner does not require any steps to be taken as a result of this decision notice.

FOI 36: Complaint not upheld

[Decision notice FS50839428](#) PDF (1k)

[Southern Health and Social Care Trust](#)

19 Aug 2020, Health

The complainant has requested information from the Southern Health & Social Care Trust ("the Trust") regarding certain breast assessment services. The Trust provided some information, in response to parts 2-6 of the complainant's request, however it refused to disclose the remaining requested information, citing section 12(1) of the FOIA as a basis for non-disclosure. The Commissioner's decision is that the Trust has correctly applied section 12(1) of the FOIA to the relevant parts of the complainant's request. The Commissioner requires no steps to be taken.

FOI 12: Complaint not upheld

[Decision notice IC-48346-Z9P2](#) PDF (1k)

[The Tavistock and Portman NHS Foundation Trust](#)

10 Aug 2020, Health

The complainant has requested copies of emails sent or received by the directors of The Tavistock and Portman NHS Foundation Trust (the "Trust") containing certain key words during a specified time frame. The Trust refused to provide the emails under section 36 and section 42 of the FOIA with the exception of one email. Later on the Trust also cited section 40(2). The Commissioner's decision is that the Trust has cited section 36 appropriately and therefore the Trust need take no further steps.

FOI 36: Complaint not upheld

[Decision notice FS50885759](#) PDF (1k)

[The Tavistock and Portman NHS Foundation Trust](#)

4 Aug 2020, Health

The complainant has requested from the Tavistock and Portman NHS Foundation Trust (the "Trust") a report by Dr David Taylor from 2005. The Trust refused to provide the information, citing the exemptions at sections 36, 31 and 38 but later withdrew its reliance on section 31. The Commissioner's decision is that section 38 is not engaged in relation to this information. She finds that section 36 is engaged but that the public interest favours the release of the requested information. The Trust also failed to respond to the request within 20 working days and breached section 10(1). The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. • With reference to the highlighted copy provided by the Trust, release the requested report with the exception of the following lines containing personal data – The highlighted parts of the last three lines on page 9; The highlighted parts of the first 7 lines on page 10; The highlighted part of line 9 on page 10.

FOI 10: Complaint upheld FOI 38: Complaint upheld FOI 36: Complaint upheld

[Decision notice FS50881691](#) PDF (1k)

[Parkside Surgery, Alfreton](#)

30 Jul 2020, Health

The complainant requested information from Parkside Surgery, Alfreton ("the surgery") about additional hours of work, claimed for by two of the surgery's partners. The surgery, which had

Appendix Two

previously provided him with some related information, refused the request as vexatious. The Commissioner's decision is that the request was vexatious under section 14(1) of the FOIA, and the surgery was correct to refuse to respond. The Commissioner does not require the surgery to take any steps.

FOI 14: Complaint not upheld

[Decision notice IC-45692-L6K2](#) PDF (1k)

[Bradford Teaching Hospitals NHS Foundation Trust](#)

29 Jul 2020, Health

The complainant has requested information about a specific recruitment exercise run by Bradford Teaching Hospitals NHS Foundation Trust ('the Trust'). The Trust released information relevant to two parts of the request. It withheld the information requested in a third part – copies of application forms - under section 40(2) of the FOIA as it considers this to be the personal data of third persons. The Commissioner's decision is as follows: The Trust is entitled to withhold the information the complainant has requested in part (i) of their request under section 40(2) of the FOIA. The information can be categorised as the personal data of third persons and disclosing it would be unlawful. The Commissioner does not require the Trust to take any remedial steps.

FOI 40: Complaint not upheld

[Decision notice IC-44531-X9L7](#) PDF (1k)

[General Medical Council](#)

27 Jul 2020, Health

The applicant has requested expert reports related to a hearing in 2018. The Commissioner's decision is that the General Medical Council (GMC) has correctly applied section 31 of the FOIA to the withheld information, and that the public interest lies in favour of maintaining the exemption. The Commissioner does not require the public authority to take any steps.

FOI 31: Complaint not upheld

[Decision notice FS50915907](#) PDF (1k)

[Human Tissue Authority](#)

22 Jul 2020, Health

The complainant has requested information from the Human Tissue Authority (HTA) on incidents reported to in 2018 under the category of 'release of wrong body'. The HTA release information on numbers but withheld two incident reports on the basis of section 31(1)(g) leading to 31(2)(c) of the FOIA. The Commissioner's decision is that the HTA has correctly engaged the section 31 exemption and the balance of the public interest favours maintaining the exemption.

FOI 31: Complaint not upheld

[Decision notice FS50892471](#) PDF (1k)

[NHS Wirral Clinical Commissioning Group](#)

22 Jul 2020, Health

The complainant requested copies of email chains relating to an incident that took place at a maternity centre. NHS Wirral Clinical Commissioning Group provided some information, but relied on sections 21 (reasonably accessible) and 40 (third party personal data) of the FOIA respectively to withhold information. The Commissioner's decision is that the CCG has identified all the information it holds within the scope of the request. She also considers that the CCG is entitled to apply sections 21 and 40(2) in the manner that it has. However, the CCG failed to identify all the relevant information it held and failed to issue its refusal notice

Appendix Two

within 20 working days. It thus breached sections 10 and 17 of the FOIA respectively. The Commissioner does not require further steps.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 21: Complaint not upheld FOI 40(2): Complaint not upheld FOI 1: Complaint not upheld

[Decision notice FS50909645 PDF \(1k\)](#)

[General Medical Council](#)

3 Jul 2020, Health

The applicant has requested information relating to guidance published by the General Medical Council (GMC). The Commissioner's decision is that GMC has correctly applied section 42 of the FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 42: Complaint not upheld

[Decision notice FS50906021 PDF \(1k\)](#)