



Hull

Clinical Commissioning Group

Freedom of Information (FOI) Quarter Four Report and Year End Report

NHS Hull Clinical Commissioning Group (CCG)

Quarter Four 2020/2021 covering the period

1 January to 31 March 2021

Annual: 1 April 2020 to 31 March 2021

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 2021, a comparison against the previous quarter and the same period in 2019/2020. It also provides the Year End 2020/2021 position with a comparison to 2019/2020 Year End.

Volume of Requests and Timeliness of Responses

	Quarter 4 2019/20	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Year to Date Comparison	
Requests Received	Jan – Mar	Apr – Jun	Jul – Sep	Oct– Dec	Jan - Mar	2019/20	2020/21
Total number of FOI requests received:	66	29	69	50	56	278	204
Total Number of FOIs Processed	65*	29	69	50	55*	274*	203
Requests processed within 20 working days	65	29	69	50	55	274	203
Percentage processed FOIs Completed within 20 working days	100%	100%	100%	100%	100%	100%	100%
Average time taken to process (days)	15	15	14	13	14	16	14

* Request closed at the requester's instruction or clarification was not received within the FOIA timescales.

During Quarter Four 2020/2021 55 requests were processed compared to 50 processed in Quarter Three. (56 requests were received, however, one was closed at the requester's instruction.)

This equates to an increase of 10% in the number of FOI requests processed during Quarter Four compared to Quarter Three and the average number of days to process the requests also increased from 13 days to 14 days during the quarter.

Against the same period in 2019/2020 there was a 15.4% decrease and the average number of days to process the requests also decreased from 15 days in Quarter Four 2019/2020 to 14 Days in 2020/2021. All the requests processed during Quarter Four were completed within the statutory 20 working day deadline.

The Year End position as at 31 March 2021 against the previous Year 2020, showed a 26% decrease in the total number of requests processed, and the average number of

days taken to process them also decreased from 16 days to 14 days, indicating that all the requests processed in year 2020/2021 were completed well within the statutory 20 working day deadline.

It is assumed that the variations in the number of requests received during the period continues to be due to the COVID-19 pandemic. However, despite this the CCG continued to maintain the FOI Service and provide responses 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 Four was Primary Care Networks with five requests, followed by Primary Care, Continuing Health Care and Senior Team contact details with four requests each also proving a popular topic.

Over the full year the predominant subject areas were COVID-19 with 16 requests, Primary Care with 14, followed by Continuing Healthcare and Mental Health with 13 requests each.

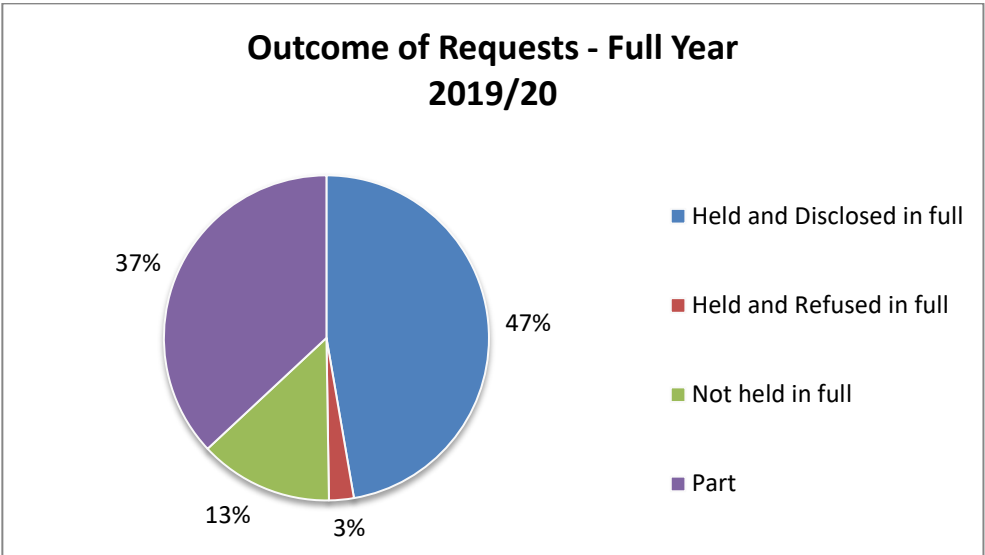
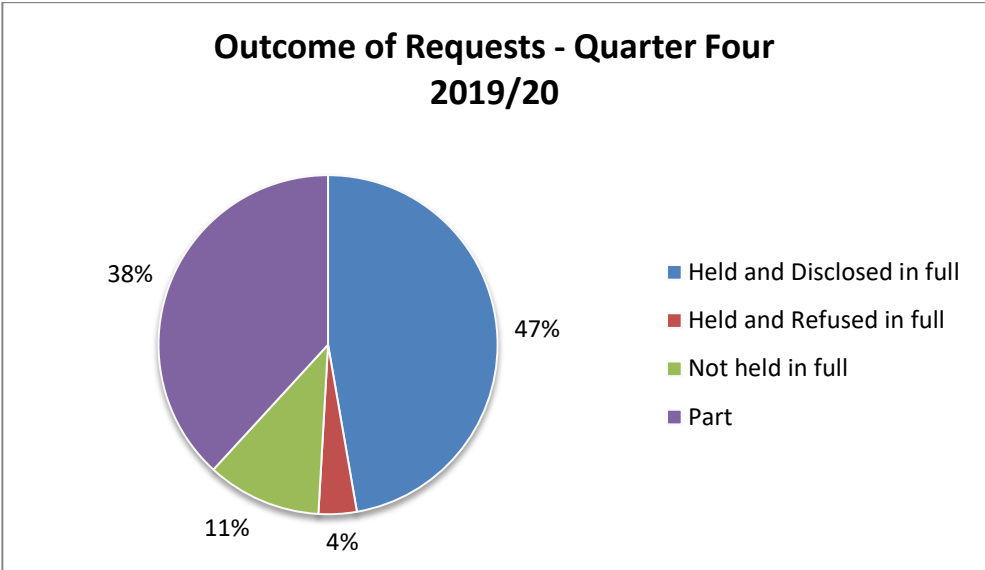
For a full illustration of the various topics for Quarter Four and the Full Year; please see **Appendix One**.

Outcome of Requests Processed

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

	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Full Year
Information Held – Disclosed in Full	21 (72%)	25 (36%)	24 (48%)	26 (47%)	96 (47%)
Information Held – Refused in Full	1 (4%)	2 (3%)	0	2 (4%)	5 (3%)
Information Not Held by CCG	0	12 (17%)	9 (18%)	6 (11%)	27 (13%)
Partially Disclosed as Not Held or Exemption(s) applied	7 (24%)	30 (43%)	17 (34%)	21 (38%)	75 (37%)
Total Number of Requests	29	69	50	55	203

The following charts display the proportion of requests by outcome for Quarter Four and for the Full Year 2020/2021.



During Quarter Four 2020/2021, of the 55 requests processed; 13 (24%) and for the Full Year; 36 (18%) of the 203 had one or more exemptions applied to the request. One request can have multiple exemptions applied within the response.

The following table illustrates the number of instances information was not disclosed and the exemptions applied during each quarter and the full year. During Quarter Four and the Full Year, the most commonly applied exemptions were Section 21 with 7 instances for Quarter Four and 15 for the Full Year, followed by Section 40 with 5 for Quarter Four and 15 for the Full Year, 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.

Number of instances Exemptions were applied

Exemption (Section)	Quarter 1	Quarter 2	Quarter 3	Quarter 4	2020/2021
12 - Cost of compliance	2	0	2	2	6
14 - Repeat Request	0	1	0	0	1
21 - Accessible by other means	1	7	0	7	15
40 - Personal Information	1	7	2	5	15
Total	4	15	4	14*	37*

* 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 and the Full Year.

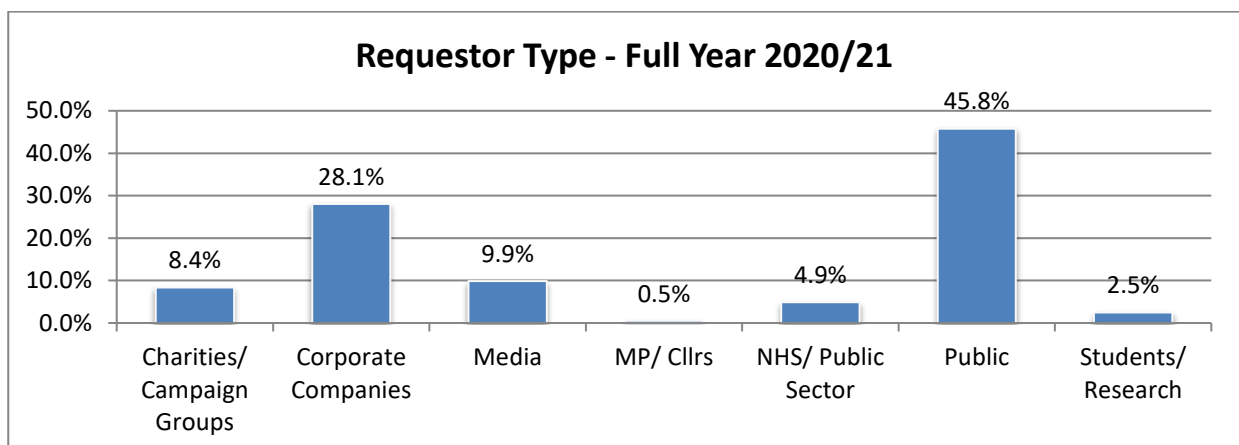
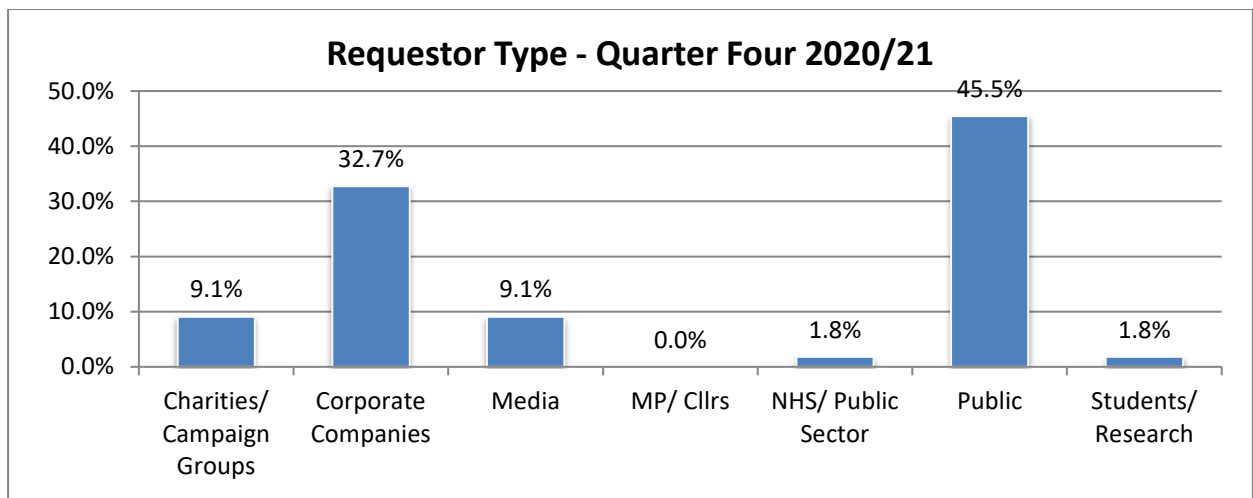
2020/2021	NHS-Acute	NHS-Mental Health	NHS Other	NHSE	GPs	Local Authority	NHS Prescription Services	NHS Digital	Independent Sector	Other
Q1	1	0	0	0	0	1	0	0	0	0
Q2	13	5	2	5	0	1	1	2	6	2
Q3	5	0	1	0	2	2	2	2	5	1
Q4	4	2	2	4	0	3	0	4	0	0
Total	23	7	5	9	2	7	3	8	11	3

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 table and charts below; the main types of requester appear to be Individual Members of the Public followed by Corporate Companies during Quarter Four and the Full Year.

Summary of Requesters (Processed Requests)	Quarter 4 2019/20	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Year to Date Comparison	
	Jan - Mar	Apr - Jun	Jul - Sep	Jan - Mar	Jan - Mar	2019/20	2020/21
Charities, Voluntary Sector / Campaign Groups	4	1	8	3	5	13	17
Corporate Companies	20	3	22	14	18	84	57
Media (local and national)	6	4	6	5	5	75	20
Members of Parliament / Local Councillors	1	0	1	0	0	42	1
NHS/ Public Sector Organisations	4	6	2	1	1	8	10
Individual Members of the Public	25	14	29	25	25	19	93
Students / Research	5	1	1	2	1	17	5
Total	65	29	69	50	55	258	203



Internal Reviews

There were no Internal Review requests received during Quarter Four between 1 January and 31 March 2021 or for the Full Year between 1 April 2020 and 31 March 2021.

Training

No FOIA specific training sessions were provided during Quarter Four due to the current restrictions for COVID-19. During 2020/2021 the FOI team reviewed and updated a two page 'Quick Guide to FOI' to help staff understand their responsibilities under FOIA and it was circulated during Quarter Two. Virtual FOI general or specific training is available from the FOI Team on request.

Records Management

During the 2020/2021 financial year, FOI request records for 2016/17 are under review for destruction in line with Records Management Policy.

Customer Feedback

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. Three were returned during Quarter Four.

The feedback was positive in all areas. With 'Very Good' for Ease of understanding the response, 'Very Good' and 'Good' for Quickness of response, along with 'Very Good' and 'Good' for 'How thoroughly did the response answer your request'. The ratings given for 'Quality of Service Provided' and "Overall Helpfulness of the reply' were 6,6 and 1 (Average 4.33) based on rate of 1–6, with 6 being Very Helpful and 1 being Unhelpful. More information can be found in Attachment One.

During Quarter One 2020/2021, 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 praise for their professionalism friendliness approachability and helpfulness, having strong internal relationships and lines of communication, the ability to identifying similar requests and an appropriate response to help coordinate consistent replies, as well as compliments for the overall service provided. Please see Hull CCG Quarter One Report for more detailed information.

The internal feedback survey will be repeated during May/June 2021 and the results will be reported within the Quarter One 2021/2022 Report.

The approved FOI Quarterly Reports continue to be published on the CCG website and contain reports from 2018/2019 to date. The publication of each report is highlighted to CCG staff in the electronic staff newsletter including a web link to the latest Quarterly Report, following publication on the CCG website.

Assurance

In accordance with the Freedom of Information 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 2020 to 31 March 21 End of Year Summary

In summary, during the period from 1 April 2020 to 31 March 2021, the CCG processed 203 FOI Requests and provided the full information requested under FOIA in 96 cases. The CCG did not provide all the information requested in 36 cases because one or more exemptions applied either to part or to the whole of the request under the FOIA exemptions. The exemptions applied were: Information was accessible by other means, the cost of providing the information exceeded the limits set by the FOIA, repeat request or the information requested related to personal data and disclosure would be likely to constitute a breach of confidentiality.

In 71 cases, the CCG was unable to provide all the information requested, as it was either not held in full, or only partially held. 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 14 working days.

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

Decision Notices - Information Commissioner's 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 Four. 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 regards to Freedom of Information and Data Protection and published it

on the ICO website as changes are 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 and the Full Year 2020/2021.

Freedom of Information Delivery Manager

Appendix One

Quarter Four: 1 January 2021 to 31 March 2021 Request Category by Subject Area

Subject	Count
Commissioning	39
Continuing Healthcare	4
Primary Care	4
Covid-19	3
Autism/ADHD	3
Primary Care Networks	3
Ophthalmology	2
Patient Transport	2
Fertility Treatment	2
AQP's	1
Formulary	1
Mental Health	1
Rheumatology	1
IAPT Service	1
Language Services	1
Contracting	1
Pulmonary Rehabilitation Services	1
Rehabilitation	1
Palliative care	1
Community Health Services	1
ICP/ICS	1
APMS	1
Diabetes	1
CAMHS	1
Weight Management	1
Corporate	10
Contact Details	4
Primary Care Networks	2
Practice Closures	1
Workforce	1
ICP/ICS	1
SAR	1
Finance	2
Expenses	1
Financial Services	1
Pharmaceutical	3
Pharmaceutical Rebates	1
Incident Reporting	1
Medical Device	1
HR	1
Staff	1
Grand Total	55

**Full Year: 1 April 2020 to 31 March 2021
Request Category by Subject Area**

Subject	Count
Commissioning	145
Primary Care	13
Covid-19	13
Mental Health	13
Continuing Healthcare	13
Ophthalmology	8
Fertility Treatment	5
Primary Care Networks	5
Rheumatology	5
Personal Health Budgets	4
Appliances	3
Weight Management	3
Patient Transport	3
Autism/ADHD	3
STP	2
Diabetes	2
Learning Disabilities	2
Rebate Schemes	2
Dermatology services	2
Sexual Health	2
Telehealth	2
Contracting	2
Termination of Pregnancy	2
IAPT Service	2
Surgical Services	2
Dental	2
Mast Cell Activation Syndrome	1
Pulmonary Rehabilitation Services	1
Social Prescribing	1
NHS 111	1
Community Health Services	1
Autism	1
Surgical equipment	1
Individual Funding Requests	1
AQP's	1
Community MSK	1
Palliative care	1
Referral Management	1
ICP/ICS	1
CAMHS	1
Cardiology	1
Childhood Vaccinations	1
Community Equipment	1
Smith-Magenis syndrome	1

Acute	1
Remote Healthcare	1
Language Services	1
Prescribing	1
Breast Feeding	1
ADHD	1
Rehabilitation	1
Ambulance Services	1
APMS	1
Bereavement Service	1
Formulary	1
RTT Pathways	1
Corporate	27
Contact Details	10
Primary Care Networks	4
Telephone Systems	2
SAR	2
STP	2
Primary Care	1
Workforce	1
Practice Closures	1
Patents / Licenses	1
PALS	1
ICP/ICS	1
Sustainability	1
Finance	6
Contracting / Procurement	1
Expenses	1
Finance System	1
Financial Software	1
Financial Services	1
Workforce	1
Pharmaceutical	12
Formulary	3
Prescribing	2
Rebate Schemes	2
Medical Device	1
Pharmaceutical Rebates	1
Incident Reporting	1
Covid-19	1
Medicine management	1
IT	6
IT Services	3
Local Area Network (LAN)	2
Cyber Security	1
HR	7
Staff	2
Covid-19	2

Recruitment	1
Policies & Procedures	1
Outsourcing	1
Grand Total	203

Appendix Two

DECISION NOTICES Health Related (36 in total) 1 January – 31 March 2021

NHS England

26 Mar 2021, Health

The complainant requested information from The NHS Commissioning Board (NHS England) about the Royal Voluntary Service and the NHS Volunteer scheme. NHS England had failed to provide a substantive response by the date of this notice. 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-90036-R6L8](#) PDF (1k)

General Medical Council

24 Mar 2021, Health

The complainant has requested information from the General Medical Council ("the GMC") regarding complaints made about a specific doctor. The Commissioner's decision is that the GMC is entitled to rely on section 40(5) to refuse to confirm or deny that it holds the information. The Commissioner does not require the GMC to take any further action in this matter.

FOI 40(5): **Complaint not upheld**

[Decision notice IC-71793-Q9P3](#) PDF (1k)

NHS Herefordshire and Worcestershire Clinical Commissioning Group

18 Mar 2021, Health

The complainant has requested "copies of Herefordshire CCG and NHS Continuing Healthcare Funded Care Reports for the last five years". NHS Herefordshire and Worcestershire Clinical Commissioning Group (the CCG) provided the complainant with some information falling within the scope of the request. During the course of the Commissioner's investigation, the CCG provided the complainant with further information falling within the scope of the request. The Commissioner's decision is that the CCG has not complied with its obligations under section 1(1) and section 10(1) of the FOIA. Since the request has now been responded to, the Commissioner does not require the CCG to take any steps as a result of this decision notice.

FOI 1(1): **Complaint upheld** FOI 10: **Complaint upheld**

[Decision notice IC-45281-P3C6](#)PDF (1k)

NHS Herefordshire and Worcestershire Clinical Commissioning Group

18 Mar 2021, Health

The complainant made a nine-part request to NHS Herefordshire and Worcestershire Clinical Commissioning Group (the CCG) for information relating to its health care system. The CCG

provided the complainant with some information in response to her request. During the course of the Commissioner's investigation, the CCG provided the complainant with further information and explained that it does not hold other information falling within the scope of the request. The Commissioner's decision is that the CCG has not complied with its obligations under section 1(1) and section 10(1) of the FOIA. Since the request has now been responded to, the Commissioner does not require the CCG to take any steps as a result of this decision notice.

FOI 1(1): [Complaint upheld](#) FOI 10(1): [Complaint upheld](#)

[Decision notice IC-65451-W7H1](#) PDF (1k)

NHS Herefordshire and Worcestershire Clinical Commissioning Group

18 Mar 2021, Health

The complainant made a six-part request for information relating to NHS Herefordshire and Worcestershire Clinical Commissioning Group's (the CCG) procedures and policies of the Continuing Healthcare (CHC) programme. The CCG provided the complainant with some information falling within the scope of her request. During the course of the Commissioner's investigation, the CCG provided the complainant with further information and explained that it does not hold other information falling within the scope of the request. The Commissioner's decision is that the CCG has not complied with its obligations under section 1(1) and section 10(1) of the FOIA. Since the request has now been responded to, the Commissioner does not require the CCG to take any steps as a result of this decision notice.

FOI 1(1): [Complaint upheld](#) FOI 10(1): [Complaint upheld](#)

[Decision notice IC-65449-X6W7](#) PDF (1k)

Imperial College Healthcare NHS Trust

17 Mar 2021, Health

The complainant requested from Imperial College Healthcare NHS Trust ("the Trust") information relating to the Trust's plans to increase hospital capacity to accommodate increased admissions as a result of the Covid-19 pandemic. The Commissioner's decision is that the Trust has 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 to the request in accordance with its obligations under the FOIA. 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 Act and may be dealt with as a contempt of court.

FOI 10: [Complaint upheld](#)

[Decision notice IC-87708-G1R1](#) PDF (1k)

NHS Commissioning Board (NHS England)

17 Mar 2021, Health

The complainant requested from the NHS Commissioning Board (NHS England) information relating to the employees within NHS England's and NHS Improvement's pharmacy teams. By the date of this notice NHS England had not provided a substantive response to this request. 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 to the request in accordance with its

obligations under the FOIA. 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 Act and may be dealt with as a contempt of court.

FOI 10: **Complaint upheld**

[Decision notice IC-88279-G6D5PDF \(1k\)](#)

Rotherham Doncaster and South Humber NHS Trust

5 Mar 2021, Health

The complainant submitted to Rotherham, Doncaster and South Humber NHS Foundation Trust a 110 part request for information relating to electroconvulsive therapy (ECT), serious incidents, restraints, seclusion and medication errors. The Trust refused to comply with the requests as it said it would exceed the cost limit under section 12(1) FOIA to do so. The Commissioner's decision is that the Trust was correct to apply section 12(1) of FOIA and that it was not therefore obliged to comply with the requests. The Commissioner also considers that the Trust provided the complainant with advice and assistance in accordance with its obligations under section 16 of FOIA. However, in issuing its refusal notice outside the statutory time limit the Trust breached section 17(5) of FOIA. The Commissioner does not require the Trust to take any step as a result of this decision notice.

FOI 17: **Complaint upheld** FOI 16: **Complaint not upheld** FOI 12: **Complaint not upheld**

[Decision notice IC-55621-R5B8PDF \(1k\)](#)

NHS England

2 Mar 2021, Health

The complainant has requested reports prepared for the Chief Medical Officer (CMO) relating to NHS surge capacity and population triage / social care in the event of a pandemic. He has also requested correspondence between NHS England and the CMO and the Department of Health and Social Care. By the date of this notice NHS England had failed to provide a substantive response to this request. The Commissioner's decision is that NHS England 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. NHS England is now required to respond to the request in accordance with the FOIA.

FOI 10(1): **Complaint upheld**

[Decision notice IC-84979-N6F4PDF \(1k\)](#)

NHS Clinical Commissioning Board (NHS England)

1 Mar 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) about funding relating to the Pharmacy Integration Fund from 2019 to the present. NHS England had failed to provide a substantive response by the date of this notice. 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-84872-Q8Q4PDF \(1k\)](#)

Hertfordshire Partnership NHS Trust

25 Feb 2021, Health

The complainant has requested information relating to Electro Convulsive Therapy (ECT). The Commissioner's decision is that Hertfordshire Partnership University NHS Foundation Trust (the Trust) has correctly cited section 12(1) – cost of compliance, in response to the request. However, she also finds the Trust has breached section 10 (time for compliance) and section 16 (advice and assistance). The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 10: **Complaint upheld** FOI 16: **Complaint upheld** FOI 12: **Complaint not upheld**

[Decision notice IC-62548-T7M7PDF \(1k\)](#)

Hounslow and Richmond Healthcare Trust

24 Feb 2021, Health

The complainant has requested from Hounslow and Richmond Community Healthcare Trust (“the Trust”), information regarding the names of doctors who left comments in medical notes. The Commissioner's decision is that the Trust was entitled to withhold the requested information under section 40(2) of the FOIA. The Commissioner does not require the Trust to take any steps as a result of this decision notice. Information Tribunal appeal EA/2021/0060 under appeal.

FOI 40(2): **Complaint not upheld**

[Decision notice IC-60374-S9D6PDF \(1k\)](#)

NHS Improvement

23 Feb 2021, Health

The complainant requested information from NHS Improvement (NHSI) relating to an independent review published in 2020. NHSI had failed to provide a substantive response by the date of this notice. The Commissioner's decision is that NHSI failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires NHSI to take the following steps to ensure compliance with the legislation. Issue a substantive response, under the FOIA, to the request. NHSI 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-79349-Y8T7PDF \(1k\)](#)

NHS England

15 Feb 2021, Health

The complainant requested from the NHS Commissioning Board (“NHS England”) information relating to the finances and accountability of NHSX. By the date of this notice NHS England had not provided a substantive response to this request. The Commissioner's decision is that NHS England has 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 to the request in accordance with its obligations under the FOIA. 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 Act and may be dealt with as a contempt of court.

FOI 10: [Complaint upheld](#)

[Decision notice IC-80704-J3V6](#)PDF (1k)

NHS Commissioning Board (NHS England)

11 Feb 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) about NHS England patient mental health guidelines issued during the Covid-19 pandemic and related information. By the date of this notice the NHS England had failed to provide a substantive response to this request. The Commissioner's decision is that NHS England 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 NHS England to respond to the complainant's request in accordance with the FOIA.

FOI 10: [Complaint upheld](#)

[Decision notice IC-81147-J2G6](#)PDF (1k)

Oxford University Hospitals NHS Foundation Trust

10 Feb 2021, Health

The complainant requested information from Oxford University Hospitals NHS Foundation Trust (the Trust) about medication errors between 2014 and 2020. The Trust had failed to provide a substantive response by the date of this notice. The Commissioner's decision is that 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-80950-L2B0](#)PDF (1k)

NHS Commissioning Board (NHS England)

9 Feb 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) about instructions to NHS England staff on how to behave during the Covid-19 pandemic. By the date of this notice NHS England had failed to provide a substantive response to this request. The Commissioner's decision is that NHS England 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 NHS England to respond to the complainant's request in accordance with the FOIA.

FOI 10: [Complaint upheld](#)

[Decision notice IC-81143-N3Q4](#)PDF (1k)

London North West University Healthcare NHS Trust

9 Feb 2021, Health

The complainant has requested from London North West University Healthcare NHS Trust (the Trust) equality impact assessments conducted into the impact of COVID restrictions on visitors and companions attending maternity services and the risk assessments that led to these restrictions. By the date of this notice the Trust had failed to provide a substantive response to this request. The Commissioner's decision is that the Trust 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 Trust to respond to the complainant's request in accordance with the FOIA.

FOI 10(1): **Complaint upheld**

[Decision notice IC-80488-X0L4PDF \(1k\)](#)

Barking Havering and Redbridge University Hospitals NHS Trust

5 Feb 2021, Health

The complainant has requested information about death rates. The position of Barking, Havering and Redbridge University Hospitals NHS Trust ('the Trust') is that it does not hold the requested information. The Commissioner's decision is as follows: On the balance of probabilities, the Trust does not hold the information the complainant has requested and has complied with section 1(1)(a) of the FOIA. The Commissioner does not require the Trust to take any remedial steps.

FOI 1: **Complaint not upheld**

[Decision notice IC-44958-M2C3PDF \(1k\)](#)

NHS Commissioning Board (NHS England)

5 Feb 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) about the postponing and cancelling of operations by NHS England during the Covid-19 pandemic. By the date of this notice the NHS England had failed to provide a substantive response to this request. The Commissioner's decision is that NHS England 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 NHS England to respond to the complainant's request in accordance with the FOIA.

FOI 10: **Complaint upheld**

[Decision notice IC-81135-W2T0PDF \(1k\)](#)

NHS England

4 Feb 2021, Health

The complainant requested from the NHS Commissioning Board ("NHS England") information relating to the role of Chief Dental Officer and the committees or bodies that advise the Office of the Chief Dental Officer. By the date of this notice NHS England had not provided a substantive response to this request. The Commissioner's decision is that NHS England has 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 to the request in accordance with its obligations under the FOIA. 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 Act and may be dealt with as a contempt of court.

FOI 10: [Complaint upheld](#)

[Decision notice IC-77784-D0G7PDF \(1k\)](#)

NHS Commissioning Board (NHS England)

3 Feb 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) about face covering requirements during the Covid-19 pandemic. By the date of this notice the NHS England had failed to provide a substantive response to this request. The Commissioner's decision is that NHS England 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 NHS England to respond to the complainant's request in accordance with the FOIA.

FOI 10: [Complaint upheld](#)

[Decision notice IC-75507-T7Z4PDF \(1k\)](#)

NHS Commissioning Board (NHS England)

28 Jan 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) about the Specialised Commissioning Standard Operating Procedure for the Annual Assessment Quality Assurance Process. By the date of this notice NHS England had failed to provide a substantive response to this request. The Commissioner's decision is that NHS England 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 NHS England to respond to the complainant's request in accordance with the FOIA.

FOI 10: [Complaint upheld](#)

[Decision notice IC-75506-L4L4PDF \(1k\)](#)

NHS Commissioning Board (NHS England)

26 Jan 2021, Health

The complainant requested copies of any agreements between the NHS Commissioning Board (NHS England) and Palantir Technologies UK on Palantir Foundry Software. NHS England had failed to provide a substantive response by the date of this notice. 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-75537-B0B6PDF \(1k\)](#)

Public Health England

26 Jan 2021, Health

The complainant made two information requests to Public Health England (PHE) for information about research regarding the susceptibility of certain groups to Covid-19 and for information regarding Covid-19 testing figures. By the date of this notice PHE had failed to provide a substantive response to either request. The Commissioner's decision is that PHE failed to respond to the requests within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires PHE to take the following steps to ensure compliance with the legislation. Issue a substantive response, under the FOIA, to both requests. PHE 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-71243-H5L4](#)PDF (1k)

St George's University Hospitals NHS Foundation Trust

22 Jan 2021, Health

The complainant requested information regarding the funding of pathology services. St George's University Hospitals NHS Foundation Trust initially withheld all relevant information, but partially withdrew its reliance on the exemption and disclosed some information during the internal review process. The Commissioner's decision is that the Trust did not comply with its duties under section 1 of the FOIA within 20 working days and therefore breached section 10 of the FOIA when responding to the request. As a satisfactory response has now been issued, no further steps are required.

FOI 10: **Complaint upheld**

[Decision notice IC-78166-S5T9](#)PDF (1k)

NHS England

20 Jan 2021, Health

The complainant has requested information relating to the abandonment of the procurement of services. NHS England has failed to provide 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 of 28 July 2020 within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. NHS England must provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: **Complaint upheld**

[Decision notice IC-77384-Y8J9](#)PDF (1k)

West Midlands Ambulance Service

20 Jan 2021, Health

The complainant has requested the agendas, minutes and other information associated with specific meetings on particular dates. West Midlands Ambulance Service NHS Trust ('the Trust') provided some information and its position is that it does not hold any further information falling within scope of the request. The complainant disputes this. The Commissioner's decision is as follows: On the balance of probabilities, the Trust does not hold any further information within the scope of the complainant's request and has complied

with section 1(1)(a) of the FOIA. The Commissioner does not require the Trust to take any remedial steps.

FOI 1: **Complaint not upheld**

[Decision notice IC-43267-W4L2PDF \(1k\)](#)

NHS Digital

20 Jan 2021, Health

The complainant has requested information relating to the formulation and publication of the Data Protection Impact Assessment for the process by which GPs share Covid-19 data. NHS Digital withheld some information and relied on section 22 of the FOIA to do so. It refused the remainder of the request and relied on section 12 of the FOIA to do so. The Commissioner's decision is that NHS Digital was entitled to rely on section 12 of the FOIA to refuse the request. However, NHS Digital failed to provide meaningful advice and assistance to help the complainant refine his request within the cost limit. NHS Digital therefore breached section 16 of the FOIA. The Commissioner requires NHS Digital to take the following steps to ensure compliance with the legislation: provide the complainant with meaningful advice and assistance to assist him in refining his request so that it falls within the cost limit.

FOI 16: **Complaint upheld** FOI 12: **Complaint not upheld**

[Decision notice IC-48274-T4F5PDF \(1k\)](#)

Lewisham and Greenwich NHS Trust

18 Jan 2021, Health

The complainant has requested from Lewisham and Greenwich NHS Trust (the Trust) contracts with car parking management services providers. The Commissioner's decision is that on the balance of probabilities the requested information is not held. The Commissioner does not require any steps to be taken as a result of this decision.

FOI 1: **Complaint not upheld**

[Decision notice IC-42507-Y4S9PDF \(1k\)](#)

Medicines and Healthcare Products Regulatory Agency

18 Jan 2021, Health

The complainant requested from the Medicines and Healthcare Products Regulatory Agency ("MHRA") information in relation to two specific devices. The MHRA refused to comply with the complainant's request citing section 44(1) (prohibition on disclosure) of the FOIA as its basis for this refusal. The Commissioner's decision is that the MHRA has correctly applied section 44(1) of the FOIA to the information requested. The Commissioner does not require the MHRA to take any steps.

FOI 44: **Complaint not upheld**

[Decision notice IC-39476-K2B3PDF \(1k\)](#)

Royal Marsden NHS Foundation Trust

15 Jan 2021, Health

The complainant has requested from The Royal Marsden NHS Foundation Trust (the Trust) the margin achieved in relation to income from private patients from 2015 to 2019. The Trust provided some information but refused to provide the information concerning profit margins, citing section 43(2) FOIA – commercial interests. The Commissioner's decision is that

section 43(2) is not engaged. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Provide the information to the complainant that was withheld under section 43(2). Information Tribunal appeal EA/2021/0047 under appeal.

FOI 43: [Complaint upheld](#)

[Decision notice IC-44907-B6Z1](#)PDF (1k)

Royal Berkshire NHS Foundation Trust

11 Jan 2021, Health

The complainant requested information from Royal Berkshire NHS Foundation Trust (“the Trust”) relating to the Trust’s expenditure on automation and new technologies in pathology services since the Carter Report. The Commissioner’s decision is that the Trust failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. No steps are required.

FOI 10: [Complaint upheld](#)

[Decision notice IC-68505-W8H9](#)PDF (1k)

NHS Commissioning Board (NHS England)

7 Jan 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) about information relating to cases eligible for NHS Continuing Health Care. The Commissioner’s decision is that NHS England 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 NHS England to respond to the complainant’s request in accordance with the FOIA.

FOI 10: [Complaint upheld](#)

[Decision notice IC-71927-Y1L0](#)PDF (1k)

Norfolk and Norwich Hospitals NHS Foundation Trust

6 Jan 2021, Health

The complainant requested information from Norfolk and Norwich University Hospitals NHS Foundation Trust (the Trust) about the job description and person specification for the role of Information Governance Consultant. The Trust had failed to provide a substantive response to this request by the date of this notice. The Commissioner’s decision is that Norfolk and Norwich University Hospitals NHS Foundation 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-69754-F3Y4](#)PDF (1k)

Betsi Cadwaladr University Health Board

4 Jan 2021, Health

The complainant requested various follow on questions to his previous request in respect of the Robin Holden report. Betsi Cadwaladr University Health Board refused to respond to the request on the basis that it does not have to respond to questions if it would mean creating new information or giving an opinion or judgement that is not already recorded. Following the Commissioner's investigation, it did provide a response to the questions. The Commissioner's decision is that Betsi Cadwaladr University Health Board has now complied with its obligations in respect of section 1 of the FOIA, however in failing to provide its response within the timescales specified under the FOIA, has breached section 10 of the FOIA.

FOI 10: **Complaint upheld** FOI 1: **Complaint not upheld**

[Decision notice IC- 47257-J4K8](#)PDF (1k)