



Hull

Clinical Commissioning Group

Freedom of Information (FOI) Quarter One Report

NHS Hull Clinical Commissioning Group (CCG)

Quarter One 2021/2022 report covering the period:
1 April 2021 to 30 June 2021

Freedom of Information Delivery Manager

INTRODUCTION

This report provides the Quarter One position for Requests received by NHS Hull Clinical Commissioning Group (CCG) under the Freedom of Information Act 2000 (FOIA) during the period; 1 April to 30 June 2021, a comparison against the previous quarter and the same period in 2020/2021. It also provides the cumulative year position comparison for 2021/2022 against 2020/2021.

Volume of Requests and Timeliness of Responses

	Quarter 1 2020/21	Quarter 4 2020/21	Quarter 1 2021/22	Quarter 2 2021/22	Quarter 3 2021/22	Quarter 4 2021/22	Year to Date Comparison	
Requests Received	Apr - Jun 2020	Jan - Mar 2021	Apr – Jun 2021	Jul – Sep 2021	Oct– Dec 2021	Jan - Mar 2022	2020/21	2021/22
Total number of FOI requests received:	29	56	57				29	57
Total Number of FOIs Processed	29	55*	57				29	57
Requests processed within 20 working days	29	55*	57				29	57
Percentage processed FOIs Completed within 20 working days	100%	100%	100%				100%	100%
Average time taken to process (days)	15	14	15				15	15

* Request closed at the requester's instruction

During Quarter One 2021/2022; 57 requests were processed compared to 55 processed in Quarter Four 2020/2021.

This equates to an increase of 3.6% in the number of FOI requests processed during Quarter One compared to the previous quarter and the average number of days to process the requests also increased from 14 days to 15 in Quarter One.

Against the same period in 2020/2021 there was a 96.6% increase, however the average number of days to process the requests remained the same at 15 days. All the requests processed during the quarter were completed within the statutory 20 working day deadline.

The assumption remains that the variation in the number of requests received during the period continues to be due to the COVID-19 Pandemic. However, despite this the CCG continues to maintain the FOI Service and provide responses well 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 One was Mental Health, Continuing Health Care, Community Health Services, Contracting/Procurement and Senior Team contact details with five requests each, followed by COVID-19 with four requests also proving a popular topic.

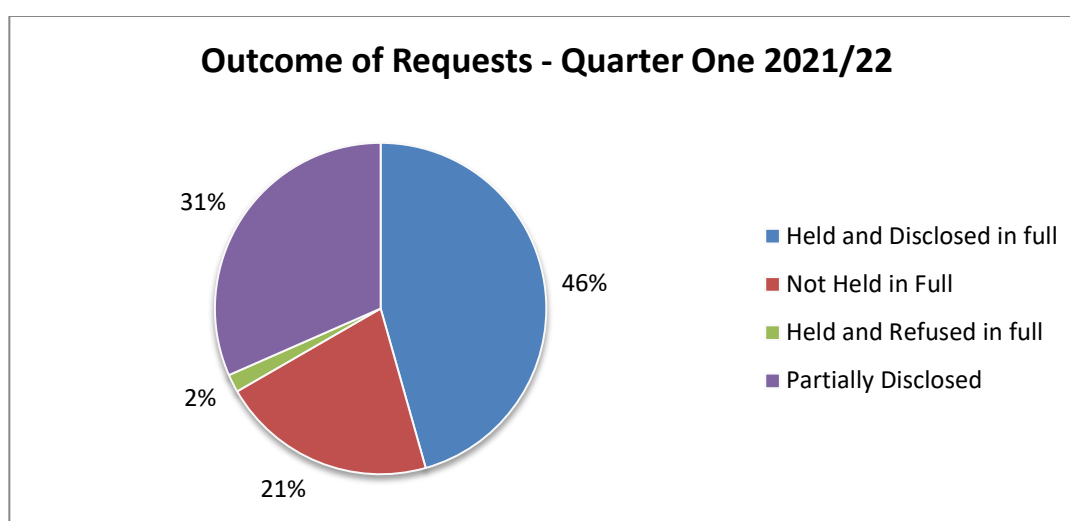
For a full illustration of the various topics for Quarter One please see **Appendix One**.

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 and Disclosed in Full	26 (46%)				
Information Not Held by CCG	12 (21%)				
Information Held and Refused in Full - Exempt	1 (2%)				
Partially Disclosed as Not Held or Exemption(s) applied	18 (31%)				
Total Number of Requests	57				

The following chart displays the proportion of requests by outcome for Quarter One 2020/2021.



During Quarter One 2021/2022, of the 57 requests processed; 10 received part of the information requested as the remainder was not held by the CCG and 9 (16%) had

information withheld as one or more exemption 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 One, the most commonly applied exemption was Section 21 with 4 instances followed by Section 12 with 3, 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 / Reason for Refusal	Quarter 1	Quarter 2	Quarter 3	Quarter 4	2021/2022
12 - Cost of compliance	3				
21 - Accessible by other means	4				
22 - Future Publication	1				
31 – Law Enforcement	1				
Total	9				
Partially Disclosed as Not Held	10				
	19				

* 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.

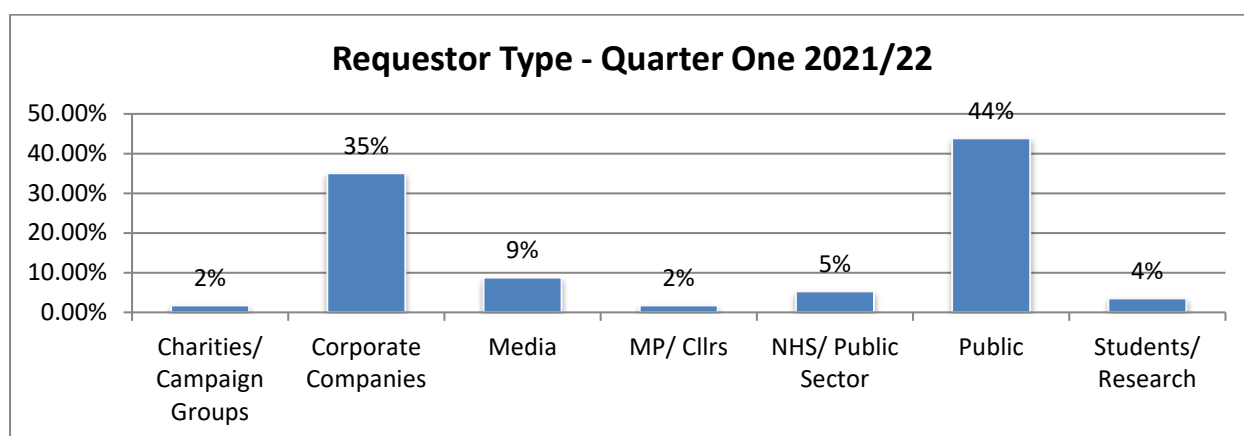
2021/2022	Q1	Q2	Q3	Q4	Total
NHS-Acute	9				9
NHS-Mental Health	2				2
NHS Other	3				3
NHSEI	4				4
GPs	1				1
Local Authority	2				2
NHS Prescription Services	2				2
NHS Digital	3				3
Independent Sector	0				0
Other	3				3
Total	29	0	0	0	29

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 main types of requester appear to be Individual Members of the Public followed by Corporate Companies during Quarter One.

Summary of Requesters (Processed Requests)	Quarter 4 2020/21	Quarter 1 2021/22	Quarter 2 2021/22	Quarter 3 2021/22	Quarter 4 2021/22	Year to Date Comparison	
	Jan - Mar	Apr - Jun	Jul – Sep	Jan - Mar	Jan – Mar	2020/21	2021/22
Charities, Voluntary Sector / Campaign Groups	5	1				1	1
Corporate Companies	18	20				3	20
Media (local and national)	5	5				4	5
Members of Parliament / Local Councillors	0	1				0	1
NHS/ Public Sector Organisations	1	3				6	3
Individual Members of the Public	25	25				14	25
Students / Research	1	2				1	2
Total	55	57				29	57



Internal Reviews

There were no Internal Review requests received during Quarter One between 1 April and 30 June 2021.

Training

No FOIA specific training sessions were provided during Quarter One 2021/2022 due to the continued restrictions for COVID-19, however the FOI team reviewed and updated a two page 'Quick Guide to FOI' to help staff understand their responsibilities under FOIA and the Guide will be circulated via the CCG Newsletter during Quarter Two. Virtual FOI general or specific training is available from the FOI Team on request.

Records Management

During quarter one 2021/22, a report was presented to the CCG's Information Governance Steering Group recommending that the group:

- a) Approve disposal, by destruction, of 2014/15 FOI Correspondence Records and Log entries in line with the CCG's policy and retention periods.
- b) Approve disposal, by destruction, of 2015/16 FOI Correspondence Records and Log entries, except for two records where internal reviews were undertaken, in line with the CCG's policy and retention periods.
- c) Approve disposal, by destruction, of 2016/17 FOI Correspondence Records and Log entries, except for one record where an internal review was undertaken, in line with the CCG's policy and retention periods.

Following the CCG's IG Steering Group Meeting on 14 July 2021 and further sign off by the CCG's SIRO, it was confirmed that the disposal, by destruction, of 2014/15, 2015/16 and 2016/17 FOI Correspondence Records was approved and the Log entries will be retained.

Two records from 2015/16: HU 0527, HU 0538 and one record from 2016/17: HU 0836 require further retention following Internal Reviews, therefore with the exception of these records, FOI Correspondence Records for years 2014/15, 2015/16 and 2016/17 are to be destroyed in line with the CCG's Records Management Policy. Records where an Internal Review was processed will be scheduled for review in 2023 and 2024 respectively.

Customer Feedback

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

During Quarter One 2021/2022, the FOI team also sought feedback from all the individuals and teams within the CCG that have been involved in the FOI process either by supplying information to satisfy a request and/or approving responses for distribution during 2020/2021.

The feedback provided was very positive with the average scores, on a scale of 1-6 with 6 being: Excellent and 1 being: Very Poor, the scores were:

5.7 The Approachability of the FOI Team.

5.7 Helpfulness of the FOI Team.

5.7 The Overall Experience.

The team received complimentary comments on their professionalism, friendliness, approachability, politeness and helpfulness, as well as compliments for the overall service provided including;

- “Keep up the brilliant work”
- “The team are always extremely helpful and offer advice where they can”.
- “The FOI team have a very difficult job and I've never had a single negative experience...”
- “The team are always very approachable, helpful and friendly. In addition I have seen the team provide further information to support new FOI requests much more in the last year (previous similar FOI's etc) which is very helpful and helps reduce the time taken responding.”

The feedback also included the following suggestions:

- “Be aware of who the leads are to reduce the time lapse in actioning”
- “Look to replicate responses for same FOI and communicate back to leads”

The Lead details are provided to the FOI Team by the CCG, which is reviewed and maintained regularly, however occasionally, the FOI team is not made aware of changes timeously, which given the number of changes to staff roles over the last year, is understandable. The FOI Team do endeavour to provide copies of previous similar FOIs to assist in the responses, however there may have been occasions where these have been missed. The FOI team will review processes, particularly for new staff, to see if the process can be improved further.

More information on the feedback can be found in Attachment 1.

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.

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 One. 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/>

A report in the PDP FOI News on 21 July 2021, stated that the Information Commissioner has launched a formal investigation into the use of private correspondence channels at the Department for Health and Social Care, and has served information notices on the department and others to preserve evidence relevant to her inquiry. The investigation will establish if private correspondence channels have been used, and if their use led to breaches of freedom of information or data protection law. The Commissioner said: "the suggestion of ministers and senior officials using private correspondence channels, such as private email accounts, to conduct sensitive official business is a concerning one. It concerns the public to feel there may be a loss of transparency about decisions affecting them and their loved ones. And as the regulator of data protection and freedom of information laws, it concerns me."

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

Freedom of Information Delivery Manager

Appendix Two

Quarter One: 1 April 2021 to 30 June 2021
Request Category by Subject Area

Subject	Count
Commissioning	42
Continuing Healthcare (CHC)	5
Mental Health	5
Contracting/Procurement	4
COVID-19	4
Community Health Services	3
Primary Care	2
Policies & Procedures	2
Deaths	2
Diabetes	2
Fraud	1
Termination of Pregnancy	1
Cancer Care Delivery	1
Care Home /Nursing Home	1
Eating Disorder	1
Referral Guidelines	1
Fertility Treatment	1
CAMHS (ADHD, Autism)	1
Healthy Lifestyles	1
Digital	1
Quality Improvement	1
Occupational Health	1
Surgical Policies	1
Corporate	7
Contact Details	4
Policies & Procedures	1
Gifts/Hospitality	1
Outsourcing	1
Finance	1
Contracting/Procurement	1
Pharmaceutical	2
Formulary	1
Prescribing	1
IT	2
Local Area Network	1
Cyber Security	1
ICS Via STP	3
Community Health Services	2
Contact Details	1
Grand Total	57

DECISION NOTICES
Health Related (34 in total)
1 April 2021 to 30 June 2021

Frimley Health NHS Foundation Trust

25 Jun 2021, Health

The complainant has requested information relating to Frimley Health NHS Foundation Trust (“the Trust”)’s interactions with React Specialist Cleaning LTD, including any invoices. The Trust provided invoices but redacted some information from the invoices on the basis of section 43(2) of the FOIA. The Commissioner’s decision is that Trust has failed to demonstrate that the exemption as set out in section 43(2) of FOIA is engaged in relation to the information that has been redacted. The Commissioner requires the public authority to disclose unredacted copies of the invoices.

FOI 43: **Complaint upheld**

[Decision notice IC-43687-T8L6](#)

Worcestershire Acute Hospitals NHS Trust

22 Jun 2021, Health

The complainant requested data about pacemaker appointments. Worcestershire Acute Hospitals NHS Trust initially withheld some of the information before later disclosing it. The Commissioner’s decision is that the Trust did not discharge its duty under section 1(1) of the FOIA within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner does not require any further steps to be taken.

FOI 10: **Complaint upheld**

[Decision notice IC-74292-M0F2](#)

Beacon Medical Group

22 Jun 2021, Health

The complainant requested policies relating to the placing of patients on the Covid-19 clinically extremely vulnerable list, as well as policies relating to the re-registering of patients to other GPs. The Commissioner’s decision is that Beacon Medical Group 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. No steps are required.

FOI 10: **Complaint upheld**

[Decision notice IC-101997-C4H8](#)

Portsmouth Hospitals University NHS Trust

17 Jun 2021, Health

The complainant requested information from Portsmouth Hospitals University NHS Trust about specified meetings. Portsmouth Hospitals University NHS Trust has failed to respond to this request. The Commissioner requires Portsmouth Hospitals University NHS Trust to provide the complainant with a response to this request in accordance with its obligations under the FOIA. Portsmouth Hospitals University NHS Trust must take these steps within 35 calendar days of the date of this decision notice.

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

[Decision notice IC-102511-J0N3](#)

Public Health England

17 Jun 2021, Health

The complainant has requested Public Health England (PHE) to disclose information relating to the responses to the finding of Exercise Cygnus. The PHE refused to disclose the requested information citing sections 36(2)(b)(i) and (ii) and 30(2)(c) of the FOIA. The Commissioner’s decision is that the PHE is entitled to refuse to disclose the requested

information in accordance with section 36(2)(c) of the FOIA. The Commissioner does not require any further action to be taken.

FOI 36(2)(b): [Complaint upheld](#) FOI 36(2)(c): [Complaint not upheld](#)
[Decision notice IC-55785-Q0Y1](#)

NHS Commissioning Board (NHS England)

17 Jun 2021, Health

The complainant submitted a three part request for information to NHS Commissioning Board (NHS England) in relation to a document entitled “Specialised Commissioning Standard Procedure for the Annual Assessment Quality Assurance Process”. By the date of this notice, NHS England had failed to provide a substantive response. 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 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-99284-F7S0](#)

NHS Commissioning Board

15 Jun 2021, Health

The complainant requested information from the NHS Commissioning Board (“NHS England”) relating to the tendering process that resulted in Fit Test training collaboration with Respiratory Protective Assessment Limited. 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. NHS England must take these steps within 35 calendar days of the date of this decision notice.

FOI 10: [Complaint upheld](#)

[Decision notice IC-102534-P2Z2](#)

South East Coast Ambulance Service NHS Trust

10 Jun 2021, Health

The complainant has requested the 2017/2018 risk assessment, decommissioning report and safety information relating to a specific vehicle. South East Coast Ambulance Service NHS Foundation Trust (The Trust) confirmed that it does not hold any further information that fell within the scope of this request other than that which has already been disclosed. The Commissioner is satisfied that, on the balance of probabilities, the Trust does not hold any further information that has not been disclosed that falls within the scope of this request for information. The Commissioner does not required the Trust to take any further steps as she is satisfied that this request has been dealt with in line with section 1(1) (General right of access to information held by public authorities) of the FOIA.

FOI 1: [Complaint not upheld](#)

[Decision notice IC-64218-H5T3](#)

NHS Commissioning Board

9 Jun 2021, Health

The complainant requested information regarding the availability of specialist psychiatric beds for young people with eating disorders. The NHS Commissioning Board (NHS England) acknowledged the request on 23 March 2021 but 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, in accordance with its obligations 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-102229-P1N2](#)

NHS Commissioning Board (NHS England)

8 Jun 2021, Health

The complainant requested information from the NHS Commissioning Board ("NHS England") relating to a grant of £540,000 made to the Apperta Foundation CIC by NHS England. 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-100498-H9N1](#)

University Hospitals of Leicester NHS Trust

28 May 2021, Health

The complainant has requested information from the University Hospitals Leicester NHS Trust ("the Trust") regarding various procedures within the Trust, but with a specific focus on staff inappropriately accessing patient records, within three specified timeframes. 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 public authority to take any steps as a result of this decision notice.

FOI 42: **Complaint not upheld**

[Decision notice IC-61151-K4Z6](#)

General Dental Council

27 May 2021, Health

The complainant requested information relating to the lease of a building. The General Dental Council provided some information and relied on section 43 of the FOIA (commercial interests) to withhold some information. The Commissioner's decision is that the GDC has correctly relied on section 43(2) of the FOIA to withhold information. The Commissioner does not require any further steps to be taken.

FOI 43: **Complaint not upheld**

[Decision notice IC-53159-H5T8](#)

General Dental Council

27 May 2021, Health

The complainant requested information relating to a decision taken not to alter the Annual Retention Fee. The General Dental Council withheld the requested information and relied on section 36 of the FOIA to do so. The Commissioner's decision is that sections 36(2)(b)(i) and

36(2)(b)(ii) are engaged in respect of all the withheld information. In respect of the majority of the withheld information, the public interest favours maintaining the exemption. However, in respect of one document, the public interest favours disclosure. Section 36(2)(c) is not engaged in respect of any of the withheld information. The Commissioner requires the GDC to take the following steps to ensure compliance with the legislation: disclose a copy of the Chairman's email to colleagues of 27 April 2020. Information Tribunal appeal EA/2021/0156 under appeal.

FOI 36: Complaint partly upheld

[Decision notice IC-53168-M9J8](#)

NHS Commissioning Board

24 May 2021, Health

The complainant requested copies of minutes from the NHS Commissioning Board (NHS England) of any meetings regarding a recent High Court case and amendment to the service specifications for the Gender Identity Development Service for children and adolescents. 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, in accordance with its obligations 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-98419-V7P3](#)

Care Quality Commission

19 May 2021, Health

The complainant has requested information relating to the breakdown of all deaths due to confirmed or suspected Coronavirus since April 10 2020 per care home regulated by the CQC. The CQC refused to disclose the requested information under section 31(1)(g), 36(2)(c), 38(1), 41(1) and 43(2) FOIA. The Commissioner's decision is that the CQC was correct to refuse to disclose the requested information under section 38(1)(a) FOIA. The Commissioner requires no steps to be taken.

FOI 38: Complaint not upheld

[Decision notice IC-49497-Z3W5](#)

NHS Commissioning Board

19 May 2021, Health

The complainant has requested information from the NHS Commissioning Board (NHS England) relating to the document 'Prescribing Outlook 2020' from the NHS Specialist Pharmacy Service website. The Commissioner's decision is that NHS England failed to respond to the request for information within 20 working days and has therefore breached section 10 (time for compliance with the request) of the FOIA. The Commissioner requires NHS England to take the following steps to ensure compliance with the legislation: Issue a response, in accordance with its obligations under the FOIA, to the request.

FOI 10: Complaint upheld

[Decision notice IC-97098-W0C6](#)

NHS Commissioning Board

19 May 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) relating to the issuing of DNACPR (do not attempt cardiopulmonary resuscitation) notices for covid-19 patients with learning difficulties. The Commissioner's decision is that NHS England failed to respond to the request for information within 20 working days and has therefore breached section 10 (time for compliance with the request) of the FOIA. The Commissioner is satisfied that NHS England has now provided a response to the request. Therefore the Commissioner does not require NHS England to take any further steps in relation to this request for information.

FOI 10: **Complaint upheld**

[Decision notice IC-95646-W7N0](#)

NHS Clinical Commissioning Board (NHS England)

19 May 2021, Health

The complainant requested information from the NHS Commissioning Board ("NHS England") relating to the correspondence between NHS England and McKinsey & Co. 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-98072-H0T4](#)

Care Quality Commission

19 May 2021, Health

The complainant has requested a full list of care homes & nursing homes in Herefordshire and Worcestershire County who reported suspected or confirmed cases of coronavirus (COVID-19) to the CQC between 1st January 2020 to 10th June 2020, the exact date the CQC became aware of coronavirus and its appearance in the UK and the date of the first reported incident of coronavirus reported to the CQC by the Herefordshire and Worcestershire county. The CQC refused to comply with the request under section 12 FOIA as it would exceed the cost limit to do so and in the alternative, in relation to parts 1 and 2 of the request, it applied the exemptions contained at sections 31(1)(g), 36(2), 38(1) and 43(2) FOIA. The Commissioner considers that the CQC correctly refused to comply with the request under section 12 FOIA. The Commissioner requires no steps to be taken.

FOI 12: **Complaint not upheld**

[Decision notice IC-56096-S9D6](#)

Berkshire Healthcare NHS Foundation Trust

18 May 2021, Health

The complainant has requested information relating to medication errors, seclusion, the use of restraints, serious incidents and the use of electroconvulsive therapy (ECT) within the Trust for the year 2019. The Trust disclosed five data sets, compiled for each of the topics in question, in response to the request. It withheld any outstanding information citing section 12(1) (Cost of compliance exceeds the appropriate limit) of the FOIA. The Commissioner's decision is that the Trust is entitled to rely on section 12(1) of the FOIA. The Commissioner does not require the public authority to take any further steps to ensure compliance with the legislation.

FOI 12: **Complaint not upheld**

[Decision notice IC-50882-F3P8](#)

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

18 May 2021, Health

The complainant requested information from The NHS Commissioning Board (NHS England) regarding Covid-19 and hospitals throughout England. 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, in accordance with its obligations 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-100978-N8L7](#)

[Isle of Wight NHS Trust](#)

18 May 2021, Health

The complainant requested information from Isle of Wight NHS Trust ("the Trust") relating to employees who have been unable to attend work during the COVID 19 pandemic due to shielding. By the date of this notice the Council had not provided a substantive response to the request. 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-93288-N2J3](#)

[NHS West Sussex Clinical Commissioning Group](#)

17 May 2021, Health

The complainant requested from NHS West Sussex CCG (the CCG) information related to its structure and the relationships among some particular teams within the CCG. The CCG disclosed part of the information held, withheld names of some post holders in organisational charts under section 40(2) (personal information) of FOIA and stated that it did not hold further information within the scope of the request. The Commissioner's decision is that: on the balance of probabilities, the CCG did not hold any information that would demonstrate the relationship between the NHS WS CCG Medicines Management Team with the West Sussex Continuing Healthcare (CHC) Team; and the CCG has correctly applied section 40(2) to the withheld information. The Commissioner does not require any further steps as a result of this decision notice.

FOI 1: [Complaint not upheld](#) FOI 40: [Complaint not upheld](#)

[Decision notice IC-56114-W8M9](#)

[Northern Lincolnshire and Goole Hospitals NHS Trust](#)

13 May 2021, Health

The complainant has requested the total number of covid-19 deaths where covid-19 was the only cause of death. The Trust determined that providing this information would exceed the cost limit outlined in section 12 (Cost of compliance exceeds the appropriate limit) of the

FOIA. The Commissioner's decision is that the Trust is entitled to rely on section 12 of the FOIA. However, she also finds that the advice and assistance offered to the complainant is insufficient for the Trust to have fully complied with its obligations according to section 16 (Duty to provide advice and assistance) of the FOIA. The Commissioner therefore requires the public authority to provide the complainant with advice and assistance so far as this is reasonable and practicable. Information Tribunal appeal EA/2021/0128 under appeal.

FOI 12: **Complaint not upheld**

[Decision notice IC-84975-H0J8](#)

Public Health England

12 May 2021, Health

The complainant has requested information associated with a municipal waste incinerator from Public Health England (PHE). PHE's position is that it does not hold the requested information, which the complainant disputes. The Commissioner's decision is as follows: On the balance of probabilities, PHE does not hold the health report, yearly reviews or patient admittance and referral numbers that the complainant has requested and has complied with section 1(1)(a) of the FOIA. The Commissioner does not require PHE to take any remedial steps.

FOI 1: **Complaint not upheld**

[Decision notice IC-43839-G9V7](#)

Betsi Cadwaladr University Health Board

11 May 2021, Health

The complainant requested the testimonies which formed the basis of an independent report (the Robin Holden report) commissioned by Betsi Cadwaladr University Health Board in 2013. Betsi Cadwaladr University Health Board refused the request relying on sections 36(2)(b)(ii) and 36(2)(c), section 40(2) and section 41 of the FOIA. The Commissioner's decision is that Betsi Cadwaladr University Health Board was entitled to rely on section 41 to withhold the requested information. As she has concluded that section 41 is engaged, she has not gone on to consider the other exemptions cited. The Commissioner does not require the public authority to take any steps.

FOI 41: **Complaint not upheld**

[Decision notice IC-75225-S5L3](#)

General Medical Council

20 Apr 2021, Health

The complainant has submitted an information request to the General Medical Council (the GMC) that refers to three investigation cases. The GMC has refused to confirm or deny it holds information within the scope of the request, under section 40(5B)(a)(i) of the FOIA (personal data), as to do so would disclose 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 particular doctors. The Commissioner does not require the GMC to take any remedial steps.

Information Tribunal appeal EA/2021/0131 under appeal.

FOI 40: **Complaint not upheld**

[Decision notice IC-59213-T4X9](#)

NHS Commissioning Board (NHS England)

20 Apr 2021, Health

The complainant requested information from the NHS Commissioning Board (NHS England) regarding Individual Funding Request applications determined by NHS England from 1 January 2013 to the date of the request. 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, in accordance with its obligations 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-93219-V5L4](#)

NHS Commissioning Board (NHS England)

20 Apr 2021, Health

The complainant requested information from The NHS Commissioning Board (NHS England) relating to a number of letters that the National Data Guardian had advised would be sent from NHSX to organisations to highlight data protection concerns. 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, in accordance with its obligations 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-93227-S7X1](#)

NHS Commissioning Board

19 Apr 2021, Health

The complainant requested information from The NHS Commissioning Board (NHS England) regarding the NHS Nightingale hospitals. 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, in accordance with its obligations 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-91322-K0X8](#)

NHS Commissioning Board

19 Apr 2021, Health

The complainant requested information from The NHS Commissioning Board (NHS England) about any services provided to the NHS Executive Group by an external organisation between 1 January 2020 and the date of the request. 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-91429-T8C6](#)

Northamptonshire Healthcare NHS Foundation Trust

12 Apr 2021, Health

The complainant has submitted a series of multi-part requests for information to Northamptonshire Healthcare NHS Foundation Trust ('the Trust'). The Trust addressed some of the complainant's questions and has refused to comply with the remainder of the requests under section 12(1) of the FOIA as it says the cost of doing so would exceed the appropriate limit. The Commissioner's decision is as follows: The cost of complying with the remainder of the complainant's requests would exceed the appropriate limit under section 12(1) of the FOIA and the Trust is not obliged to do so. The Trust could not have reasonably been expected to provide advice and assistance and no breach of section 16(1) of the FOIA occurred. The Commissioner does not require the Trust to take any remedial steps.

FOI 12: [Complaint not upheld](#) FOI 16: [Complaint not upheld](#)

[Decision notice IC-42917-D5M5](#)

South West Yorkshire Partnership NHS Foundation Trust

9 Apr 2021, Health

The complainant has submitted a series of multi-part requests for information to South West Yorkshire Partnership NHS Foundation Trust ('the Trust'). The Trust has refused to comply with them under section 12(1) of the FOIA as it says the cost of doing so would exceed the appropriate limit. The Commissioner's decision is as follows: The cost of complying with the complainant's requests would exceed the appropriate limit under section 12(1) of the FOIA and the Trust is not obliged to do so. The Trust offered the complainant adequate advice and assistance and no breach of section 16(1) of the FOIA occurred. The Commissioner does not require the Trust to take any remedial steps.

FOI 12: [Complaint not upheld](#) FOI 16: [Complaint not upheld](#)

[Decision notice IC-41817-Q4K4](#)

Camden and Islington NHS Foundation Trust

7 Apr 2021, Health

The complainant submitted to Camden and Islington 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. 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-59106-R3X6](#)