



Hull

Clinical Commissioning Group

Freedom of Information (FOI) Quarter Two Report

NHS Hull Clinical Commissioning Group (CCG)

**Quarter One 2021/2022 report covering the period:
1 July to 30 September 2021**

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; July to 30 September 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 2 2020/21	Quarter 1 2021/22	Quarter 2 2021/22	Quarter 3 2021/22	Quarter 4 2021/22	Year to Date Comparison	
Requests Received	Jul - Sep	Apr – Jun	Jul – Sep	Oct– Dec	Jan - Mar	2020/21	2021/22
Total number of FOI requests received:	69	57	73			98	130
Total Number of FOIs Processed	69	57	73			98	130
Requests processed within 20 working days	69	57	73			98	130
Percentage processed FOIs Completed within 20 working days	100%	100%	100%			100%	100%
Average time taken to process (days)	14	15	14			14	14

During Quarter Two 2021/2022; 73 requests were processed compared to 57 processed in Quarter One 2020/2021. This equates to an increase of 28.1% in the number of FOI requests processed during Quarter Two compared to the previous quarter, however, the average number of days to process the requests decreased from to 15 days to 14 in Quarter Two.

Against the same period in 2020/2021 there was a 5.8% increase, however the average number of days to process the requests remained the same at 14 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 continues to be due to the COVID-19 Pandemic during Quarter One, with numbers rising comparable to previous years prior to COVID-19 in Quarter Two. However, 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 Two was Mental Health and Primary Care with 6 requests each, followed by Contact details with five requests also proving a popular topic.

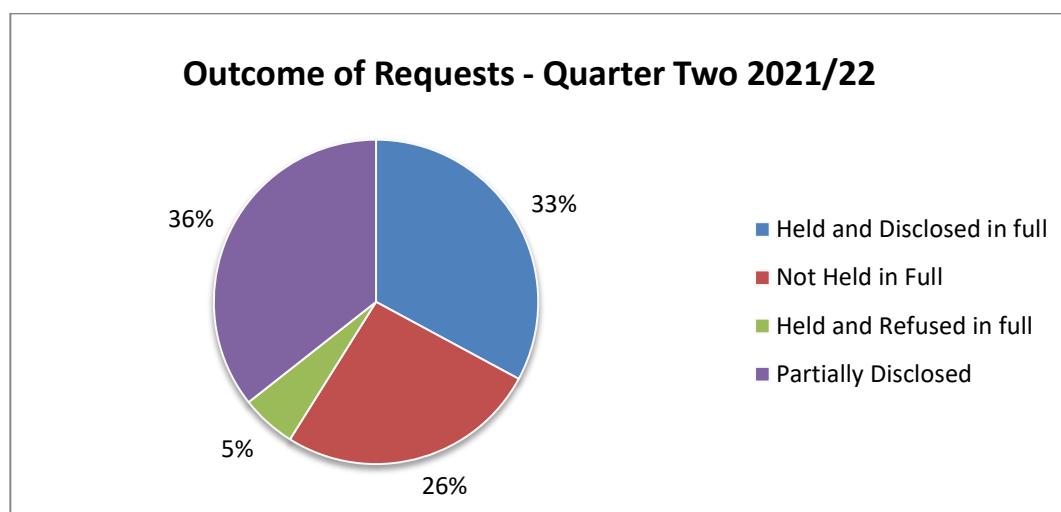
For a full illustration of the various topics for Quarter Two please see **Appendix One**.

Outcome of Requests Processed

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

	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Full Year
Information Held and Disclosed in Full	26 (46%)	24 (33%)			
Information Not Held by CCG	12 (21%)	19 (26%)			
Information Held and Refused in Full - Exempt	1 (2%)	4 (5%)			
Partially Disclosed as Not Held or Exemption(s) applied	18 (31%)	26 (36%)			
Total Number of Requests	57	73			

The following chart displays the proportion of requests by outcome for Quarter Two.



During Quarter Two 2021/2022, of the 73 requests processed; 18 received part of the information requested as the remainder was not held by the CCG and 12 (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 Two the most commonly applied exemption was Section 40 with 4 instances followed by Section 21 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	2			
14 – Repeat Request	0	1			
21 - Accessible by other means	4	3			
22 - Future Publication	1	0			
31 – Law Enforcement	1	2			
40 – Personal Data	0	4			
Total	9	12			
Partially Disclosed as Not Held	10	18			
	19	30			

* 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.

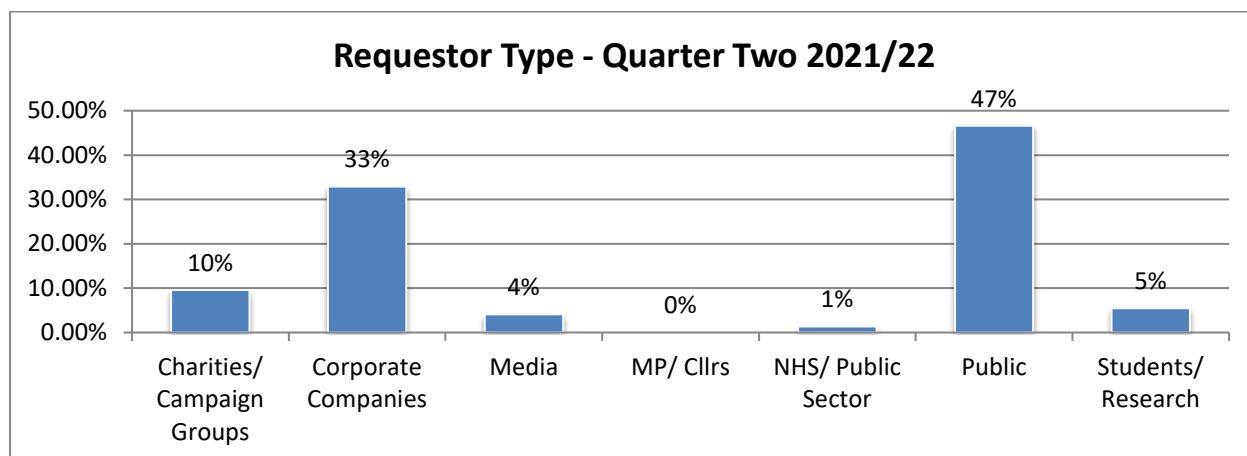
2021/2022	Q1	Q2	Q3	Q4	Total
NHS-Acute	9	7			16
NHS-Mental Health	2	4			6
NHS Other	3	5			8
NHSEI	4	3			7
GPs	1	2			3
Local Authority	2	5			7
NHS Prescription Services	2	1			3
NHS Digital	3	1			4
Independent Sector	0	6			6
Other	3	4			7
Total	29	38	0	0	67

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 Two.

Summary of Requesters (Processed Requests)	Quarter 2 2020/21	Quarter 1 2021/22	Quarter 2 2021/22	Quarter 3 2021/22	Quarter 4 2021/22	Year to Date Comparison	
	Jul – Sep	Apr - Jun	Jul – Sep	Oct – Dec	Jan – Mar	2020/21	2021/22
Charities, Voluntary Sector / Campaign Groups	8	1	7			9	8
Corporate Companies	22	20	24			25	44
Media (local and national)	6	5	3			10	8
Members of Parliament / Local Councillors	1	1	0			1	1
NHS/ Public Sector Organisations	2	3	1			8	4
Individual Members of the Public	29	25	34			43	59
Students / Research	1	2	4			2	6
Total	69	57	73			98	130



Internal Reviews

There was one Internal Review request received for Reference HU 2097, regarding Personal Health Budgets during Quarter Two between 1 July and 30 September 2021. The review concluded the information held by the CCG had been appropriately provided and the correct exemptions applied and explained.

Training

No FOIA specific training sessions were provided during Quarter Two 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 was circulated via the CCG Newsletter during Quarter Two. Virtual FOI general or specific training is available from the FOI Team on request.

Records Management

A report presented to the CCG's Information Governance Steering Group during Quarter One 2021/2022 recommended the group:

Approve the disposal by destruction of FOI Correspondence Records and Log entries in line with the CCG's policy and retention periods for years:

2014/2015

2015/2016 (except two records where an Internal Reviews were undertaken)

2016/2017 (except one record where an Internal Review was undertaken).

Following further discussions during Quarter Two, the CCG's SIRO confirmed that the disposal by destruction of the records were approved with an agreement to retain the Log entries and the further retention of the records with Internal Reviews for 2015/16: HU 0527, HU 0538 and for 2016/17: HU 0836 which are scheduled for review in 2023 and 2024 respectively. Destruction was actioned in Quarter Three.

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 Two.

The feedback was very positive in all areas. Two chose 'Very Good' for; Ease of understanding the response and Quickness of response, along with 'Very Good' and 'Good' for 'How thoroughly did the response answer your request'. The ratings average for 'Quality of Service Provided' was 3 based on rate of 1–6, with 6 being Very Helpful and 1 being Unhelpful, with an average rating of 3.3 for 'Overall Helpfulness' of the reply. Two provided comments: "Good service courteous & obliging" and "Overall, this is a good service. My main disappointment is that the ICS doesn't have a lot of information I believe it should have for example, how can the ICS develop a

coordinated digital transformation strategy without knowing which IT systems it's member Trusts hold?" More information can be found in Attachment One.

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 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 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/>

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 One

Quarter Two: 1 July 2021 to 30 September 2021
Request Category by Subject Area

Adult Social Care	2
Fees	1
Adult Social Care	1
Commissioning	44
Mental Health	6
Primary Care	6
Continuing Healthcare (CHC)	3
Conditions/Syndromes	3
Ophthalmology	3
IAPT Service	3
Fertility Treatment/IVF	2
CAMHS (ADHD, Autism)	2
Personal Health Budgets	2
COVID-19	2
Community Health Services	2
Heart Failure	2
Dermatology services	2
NHS 111	1
Weight Management	1
Primary Care Networks	1
Gifts/Hospitality	1
Cancer Care Delivery	1
Appliances	1
Corporate	11
Contact Details	4
Workforce / staff	2
SAR	2
Properties	1
Policies / Procedures /Pathways	1
Safeguarding	1
Finance	2
Financial	1
Agency Spend	1
Pharmaceutical	6
Formulary	3
Rebate Schemes	2
Policies / Procedures /Pathways	1
IT	2
IT Services/Systems	1
Cyber Security	1
ICS	3
Contact Details	1
ICS / STP	1
Cancer Alliance	1
ICS Via STP	3
ICS / STP	2
Workforce / staff	1
Grand Total	73

Appendix Two

DECISION NOTICES Health Related (41 in total) 1 July 2021 to 30 September 2021

[NHS Blood and Transplant](#)

23 Sep 2021, Health

The complainant requested information with regards to organ donation. The NHS Blood and Transplant (the NHSBT) provided information it held in its initial response to the complainant and further information during the Commissioner's investigation. The complainant considers that more information is held. The Commissioner's decision is that the NHSBT has now provided all the information it holds within the scope of the request. The Commissioner does not require the NHSBT to take any steps.

FOI 1: Complaint not upheld

[Decision notice IC-66474-Z8P2](#)

[Unsworth Group Practice](#)

21 Sep 2021, Health

The complainant requested data on completed appointments. Unsworth Group Practice relied on section 12(1) of the FOIA (cost of compliance) to refuse the request. The Commissioner's decision is that the Practice was entitled to rely on section 12(1) of the FOIA to refuse the request. However, it failed to provide reasonable advice and assistance and therefore breached section 16 of the FOIA. The Commissioner does not require any further steps to be taken.

FOI 16: Complaint upheld FOI 12: Complaint not upheld

[Decision notice IC-93873-W6S9](#)

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

21 Sep 2021, Health

The complainant has requested information relating to the funding that Tavistock and Portman NHS Foundation Trust (the Trust) has received from the Home Office, for the provision of care to British children returning from Syria. The Trust has relied on section 24 of the FOIA (safeguarding national security) to withhold some of the requested information. The Commissioner's decision is that the Trust has correctly engaged the provisions of the section 24 exemption, and that the public interest favours maintaining the exemption and withholding the requested information. However, the Commissioner has recorded a procedural breach of section 10 of the FOIA, as the Trust failed to respond to the complainant's request within the statutory time limits. The Commissioner does not require the Trust to take any steps as a result of this decision notice.

FOI 24: Complaint not upheld FOI 10: Complaint upheld

[Decision notice IC-57144-M3Z1](#)

[Royal Berkshire NHS Foundation Trust](#)

20 Sep 2021, Health

The complainant requested information from Royal Berkshire NHS Trust ("the Trust") about patients who presented at the emergency department and were not screened for Covid-19 at booking. The Commissioner's decision is that the Trust breached section 10(1) of the FOIA by failing 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-125897-B8F4](#)

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

16 Sep 2021, Health

Appendix Two

The complainant requested from NHS England information relating to NHS dental services. 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 regulation 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-123869-S8J1](#)

[NHS Improvement](#)

15 Sep 2021, Health

The complainant requested information from NHS Improvement relating to the work undertaken to assess the impact of the CQC 'Requires Improvement' rating. By the date of this notice NHS Improvement had failed to provide a substantive response to this request. The Commissioner's decision is that NHS Improvement 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 Improvement to respond to the complainant's request in accordance with the FOIA. The Surgery must take these steps within 35 calendar days of the date of this decision notice.

FOI 10: Complaint upheld

[Decision notice IC-120942-Y8B4](#)

[Public Health England](#)

15 Sep 2021, Health

The complainant requested information about previous pandemic preparedness exercises. Public Health England initially refused to provide any information and relied on section 24 of the FOIA (national security) in order to do so. By the point of this notice, PHE had disclosed the majority of the requested information but still wished to rely on section 24 to withhold the remainder. The Commissioner's decision is that PHE has failed to demonstrate that section 24 is engaged and is thus not entitled to rely on that exemption. The Commissioner requires PHE to take the following steps to ensure compliance with the legislation: disclose, to the complainant, a copy of the withheld information. PHE may only continue to withhold that which it has identified to the Commissioner as comprising personal data.

FOI 24: Complaint upheld FOI 10: Complaint upheld

[Decision notice IC-94466-Q1V8](#)

[University Hospitals Plymouth NHS Trust](#)

10 Sep 2021, Health

The complainant has requested details of scans for fungal and pleural lung infections undertaken by University Hospitals Plymouth NHS Trust ("the Trust") over a specified time period. The Trust refused to comply with the request under section 12 of the FOIA (cost of compliance). The Commissioner's decision is that the Trust was entitled to apply section 12, and that it has complied with the requirement of section 16.

FOI 12: Complaint not upheld

[Decision notice IC-52620-R4Y4](#)

[West London NHS Trust](#)

9 Sep 2021, Health

Appendix Two

The complainant has requested information about an investigation that may have occurred as a result of a whistleblowing concern. West London NHS Trust ('the Trust') would neither confirm nor deny whether it held the requested information, citing section 30(3) and 30(2)(b) (investigations and proceedings) of the FOIA. The Commissioner's decision is that West London NHS Trust is entitled to rely upon section 30(3) as a basis for neither confirming nor denying that it holds the requested information. The Commissioner requires the Trust to take no steps.

FOI 30: Complaint not upheld

[Decision notice IC-80614-T1V1](#)

[NHS Blackpool Clinical Commissioning Group](#)

9 Sep 2021, Health

The complainant has requested information about the prescribing of Co-proxamol and the handling of FOIA requests. NHS Blackpool Clinical Commissioning Group ('the CCG') addressed the complainant's questions but the complainant considers that the CCG holds relevant, recorded information with regard to four parts of his request. The Commissioner's decision is as follows: On the balance of probabilities, the CCG holds no recorded information within scope of parts 2 and 3 of the complainant's request and has complied with section 1(1)(a) of the FOIA. Parts 7 and 8 of the request are not valid requests for information under section 8(1) of the FOIA and the CCG is not obliged to respond to those parts. The Commissioner does not require the CCG to take any remedial steps.

FOI 1: Complaint not upheld FOI 8: Complaint not upheld

[Decision notice IC-75601-M4J0](#)

[Avon and Wiltshire Mental Health Partnership NHS Trust](#)

8 Sep 2021, Health

The complainant has requested from Avon and Wiltshire Mental Health Partnership NHS Trust (the Trust) the total cost of legal services for the inquest of a named individual. The Trust cited section 12(1) of the FOIA (cost of compliance) to refuse the request. The Commissioner's decision is that the Trust was not entitled to rely on section 12(1) of the FOIA to refuse to comply with the request. The Commissioner requires the Trust to issue a fresh response to the request which does not rely on section 12 of the FOIA.

FOI 12: Complaint upheld

[Decision notice IC-65679-D3R3](#)

[University Hospitals Plymouth NHS Trust](#)

7 Sep 2021, Health

The complainant requested data regarding cancer treatments. University Hospital Plymouth NHS Foundation Trust initially withheld some information, relying on section 41 (breach of confidence) and section 40(2) of the FOIA (personal data) to do so, before later disclosing it. The Commissioner's decision is that the Trust has disclosed the information it holds and has therefore complied with its duty under section 1(1) of the FOIA. However, as it failed to provide some of the information within 20 working days, the Trust breached section 10 of the FOIA. The Commissioner does not require any further steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-88983-Q1X0](#)

[NHS North Central London CCG](#)

7 Sep 2021, Health

The complainant has requested information for all information held relating to a decision making process to have one provider (rather than more than one) to deliver a particular contract and all information held relating to a decision making process to use a restricted list-based procurement process with regard to a particular contract. The CCG has confirmed

Appendix Two

that no further information is held falling within the scope of the request other than that which has now been provided or withheld under section 40(2) FOIA. The Commissioner considers that on the balance of probabilities, there is no further recorded information held by the CCG under section 1(1)(a) FOIA falling within the scope of the request other than that which has already been provided or withheld under section 40(2) FOIA. The Commissioner also considers that the CCG was correct to redact the names from the information provided under section 40(2) FOIA. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld FOI 40(2): Complaint not upheld

[Decision notice IC-70799-M5F5](#)

[Black Country and West Birmingham Clinical Commissioning Group](#)

2 Sep 2021, Health

The complainant has requested the scoring and assessment notes from his company's bid for a tender. Black Country and West Birmingham Clinical Commissioning Group withheld the requested information and relied on section 43(2) of the FOIA to withhold the requested information. The Commissioner's decision is that the CCG has failed to demonstrate why the exemption is engaged in the circumstances of this case and is therefore not entitled to rely on the exemption. The Commissioner requires the CCG to take the following steps to ensure compliance with the legislation: disclose, to the complainant, a copy of the withheld information.

FOI 43: Complaint upheld

[Decision notice IC-75840-L8C6](#)

[Public Health England](#)

26 Aug 2021, Health

The complainant has requested information relating to several job roles. The Commissioner's decision is that the Public Health England (PHE) has failed to demonstrate on what grounds section 14(1) is engaged and therefore is not entitled to rely on the exception. The Commissioner requires PHE to take the following steps to ensure compliance with the legislation: Issue a fresh response to the request which does not rely upon section 14(1). The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 14(1): Complaint upheld

[Decision notice IC-85669-D8C5](#)

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

25 Aug 2021, Health

The complainant has requested information relating to an annual self-assessment for specialised vascular surgical services. The Commissioner's decision is that University Hospitals of Derby and Burton NHS Foundation Trust (the Trust), on the balance of probabilities, does not hold any further information within the scope of the request. The Commissioner does not require public authority to take any action as a result of this decision notice.

FOI 1: Complaint not upheld

[Decision notice IC-88604-M7L9](#)

[Public Health England](#)

24 Aug 2021, Health

The complainant has requested information about the decision to de-classify COVID-19 as a High Consequence Infectious Disease. Public Health England ("PHE"), provided some information but withheld the remainder, relying on section 36 of the FOIA (prejudice to the

Appendix Two

effective conduct of public affairs) to do so. The Commissioner's decision is that PHE is not entitled to rely on section 36 in respect of two out of the three documents it has withheld. Where PHE is entitled to rely on section 36, the public interest favours maintaining the exemption. PHE also breached both section 10 and section 17 of the FOIA in responding to the request. The Commissioner requires PHE to take the following steps to ensure compliance with the legislation: disclose, to the complainant, the documents it has identified to the Commissioner as Annex B and C respectively.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 36: Complaint partly upheld

[Decision notice IC-73557-B7F7](#)

[NHS Business Services Authority](#) 19 Aug 2021, Health

The complainant has requested copies of complaints made to the Pension Regulator and any responses received. NHS Business Services Authority provided some redacted information, but withheld the remainder. It relied on section 43(2) of the FOIA (commercial interests) and section 44(1) of the FOIA (statutory prohibition on disclosure) in order to do so. The Commissioner's decision is that NHSBSA has correctly relied upon section 44 of the FOIA to withhold information. However, it has not demonstrated that section 43(2) of the FOIA is engaged and is thus not entitled to rely on that exemption. NHSBSA also breached sections 10 and 17 of the FOIA respectively in responding to the request. The Commissioner requires NHSBSA to take the following steps to ensure compliance with the legislation: disclose, to the complainant, copies of the two BoL reports it has shown to the Commissioner. NHSBSA may only redact the PSR numbers and the personal data that it has already highlighted.

FOI 17: Complaint upheld FOI 43: Complaint upheld FOI 10: Complaint upheld

[Decision notice IC-81557-K9P1](#)

[Nottingham University Hospitals NHS Trust](#)

17 Aug 2021, Health

The complainant has requested information on children diagnosed with paediatric tumours within specific time periods. Nottingham University Hospitals NHS Trust ("the Trust") initially refused the request on the basis that the information was personal data under section 40(2) of the FOIA and later also sought to rely on the exemption at section 41 of the FOIA for information provided in confidence. The Commissioner's decision is that the information does engage the section 41 exemption and there is no public interest defence for breaching the duty of confidence. As such the Trust has correctly withheld the information.

FOI 41: Complaint not upheld

[Decision notice IC-52640-V8V5](#)

[Manchester University NHS Foundation Trust](#)

16 Aug 2021, Health

The complainant has requested demographic, qualification and work experience information relating to the successful candidate for a particular role. Manchester University NHS Hospitals Trust withheld the requested information of the successful candidate under section 40(2) FOIA. The Commissioner's decision is that Manchester University NHS Hospitals Trust ('MFT') correctly withheld the information under section 40(2) FOIA but failed to respond to the request within 20 working days and therefore breached section 10 FOIA. The Commissioner requires no steps to be taken.

FOI 10: Complaint upheld FOI 40(2): Complaint not upheld

[Decision notice IC-95789-Z8B0](#)

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

13 Aug 2021, Health

The complainant requested information from NHS England about two members of Midlands NHS Continuing Healthcare Independent Review Panel. The Commissioner's decision is that

Appendix Two

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.

FOI 10: Complaint upheld

[Decision notice IC-117965-T2N7](#)

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

13 Aug 2021, Health

The complainant requested information from NHS England about its contract with St. Peter's Andrology Service London and a forthcoming tender exercise for a replacement provider.

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.

FOI 10: Complaint upheld

[Decision notice IC-117811-X7H4](#)

[NHS England](#)

12 Aug 2021, Health

The complainant requested information from the NHS Commissioning Board ("NHS England") in four parts about correspondence relating to a contract awarded to Chapel Lane Surgery in Formby. The Commissioner's decision is that NHS England failed to respond to the requests 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 requests in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-109583-Y3M1](#)

[NHS Commissioning Board](#)

12 Aug 2021, Health

The complainant requested from the NHS Commissioning Board ("NHS England") information relating to the cost associated with providing additional healthcare resources from the private sector during the COVID-19 pandemic. By the date of this notice, NHS England had not provided a substantive response to the 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-109532-Z2G9](#)

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

9 Aug 2021, Health

The complainant requested information about Covid vaccination appointments and vaccine doses that may have been disposed of. The Commissioner's decision is that the NHS Commissioning Board ("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

Appendix Two

England to take the following steps to ensure compliance with the legislation: Issue a substantive response, under the FOIA, to the request.

FOI 10: Complaint upheld

[Decision notice IC-95478-L3D8](#)

[NHS Blood and Transplant](#)

23 Sep 2021, Health

The complainant requested information with regards to organ donation. The NHS Blood and Transplant (the NHSBT) provided information it held in its initial response to the complainant and further information during the Commissioner's investigation. The complainant considers that more information is held. The Commissioner's decision is that the NHSBT has now provided all the information it holds within the scope of the request. The Commissioner does not require the NHSBT to take any steps.

FOI 1: Complaint not upheld

[Decision notice IC-66474-Z8P2](#)

[Unsworth Group Practice](#)

21 Sep 2021, Health

The complainant requested data on completed appointments. Unsworth Group Practice relied on section 12(1) of the FOIA (cost of compliance) to refuse the request. The Commissioner's decision is that the Practice was entitled to rely on section 12(1) of the FOIA to refuse the request. However, it failed to provide reasonable advice and assistance and therefore breached section 16 of the FOIA. The Commissioner does not require any further steps to be taken.

FOI 16: Complaint upheld FOI 12: Complaint not upheld

[Decision notice IC-93873-W6S9](#)

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

21 Sep 2021, Health

The complainant has requested information relating to the funding that Tavistock and Portman NHS Foundation Trust (the Trust) has received from the Home Office, for the provision of care to British children returning from Syria. The Trust has relied on section 24 of the FOIA (safeguarding national security) to withhold some of the requested information. The Commissioner's decision is that the Trust has correctly engaged the provisions of the section 24 exemption, and that the public interest favours maintaining the exemption and withholding the requested information. However, the Commissioner has recorded a procedural breach of section 10 of the FOIA, as the Trust failed to respond to the complainant's request within the statutory time limits. The Commissioner does not require the Trust to take any steps as a result of this decision notice.

FOI 24: Complaint not upheld FOI 10: Complaint upheld

[Decision notice IC-57144-M3Z1](#)

[Royal Berkshire NHS Foundation Trust](#)

20 Sep 2021, Health

The complainant requested information from Royal Berkshire NHS Trust ("the Trust") about patients who presented at the emergency department and were not screened for Covid-19 at booking. The Commissioner's decision is that the Trust breached section 10(1) of the FOIA by failing 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-125897-B8F4](#)

Appendix Two

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

16 Sep 2021, Health

The complainant requested from NHS England information relating to NHS dental services. 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 regulation 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-123869-S8J1](#)

[NHS Improvement](#)

15 Sep 2021, Health

The complainant requested information from NHS Improvement relating to the work undertaken to assess the impact of the CQC 'Requires Improvement' rating. By the date of this notice NHS Improvement had failed to provide a substantive response to this request. The Commissioner's decision is that NHS Improvement 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 Improvement to respond to the complainant's request in accordance with the FOIA. The Surgery must take these steps within 35 calendar days of the date of this decision notice.

FOI 10: Complaint upheld

[Decision notice IC-120942-Y8B4](#)

[Public Health England](#)

15 Sep 2021, Health

The complainant requested information about previous pandemic preparedness exercises. Public Health England initially refused to provide any information and relied on section 24 of the FOIA (national security) in order to do so. By the point of this notice, PHE had disclosed the majority of the requested information but still wished to rely on section 24 to withhold the remainder. The Commissioner's decision is that PHE has failed to demonstrate that section 24 is engaged and is thus not entitled to rely on that exemption. The Commissioner requires PHE to take the following steps to ensure compliance with the legislation: disclose, to the complainant, a copy of the withheld information. PHE may only continue to withhold that which it has identified to the Commissioner as comprising personal data.

FOI 24: Complaint upheld FOI 10: Complaint upheld

[Decision notice IC-94466-Q1V8](#)

[University Hospitals Plymouth NHS Trust](#)

10 Sep 2021, Health

The complainant has requested details of scans for fungal and pleural lung infections undertaken by University Hospitals Plymouth NHS Trust ("the Trust") over a specified time period. The Trust refused to comply with the request under section 12 of the FOIA (cost of compliance). The Commissioner's decision is that the Trust was entitled to apply section 12, and that it has complied with the requirement of section 16.

FOI 12: Complaint not upheld

[Decision notice IC-52620-R4Y4](#)

Appendix Two

[West London NHS Trust](#)

9 Sep 2021, Health

The complainant has requested information about an investigation that may have occurred as a result of a whistleblowing concern. West London NHS Trust ('the Trust') would neither confirm nor deny whether it held the requested information, citing section 30(3) and 30(2)(b) (investigations and proceedings) of the FOIA. The Commissioner's decision is that West London NHS Trust is entitled to rely upon section 30(3) as a basis for neither confirming nor denying that it holds the requested information. The Commissioner requires the Trust to take no steps.

FOI 30: Complaint not upheld

[Decision notice IC-80614-T1V1](#)

[NHS Blackpool Clinical Commissioning Group](#)

9 Sep 2021, Health

The complainant has requested information about the prescribing of Co-proxamol and the handling of FOIA requests. NHS Blackpool Clinical Commissioning Group ('the CCG') addressed the complainant's questions but the complainant considers that the CCG holds relevant, recorded information with regard to four parts of his request. The Commissioner's decision is as follows: On the balance of probabilities, the CCG holds no recorded information within scope of parts 2 and 3 of the complainant's request and has complied with section 1(1)(a) of the FOIA. Parts 7 and 8 of the request are not valid requests for information under section 8(1) of the FOIA and the CCG is not obliged to respond to those parts. The Commissioner does not require the CCG to take any remedial steps.

FOI 1: Complaint not upheld FOI 8: Complaint not upheld

[Decision notice IC-75601-M4J0](#)

[Avon and Wiltshire Mental Health Partnership NHS Trust](#)

8 Sep 2021, Health

The complainant has requested from Avon and Wiltshire Mental Health Partnership NHS Trust (the Trust) the total cost of legal services for the inquest of a named individual. The Trust cited section 12(1) of the FOIA (cost of compliance) to refuse the request. The Commissioner's decision is that the Trust was not entitled to rely on section 12(1) of the FOIA to refuse to comply with the request. The Commissioner requires the Trust to issue a fresh response to the request which does not rely on section 12 of the FOIA.

FOI 12: Complaint upheld

[Decision notice IC-65679-D3R3](#)

[University Hospitals Plymouth NHS Trust](#)

7 Sep 2021, Health

The complainant requested data regarding cancer treatments. University Hospital Plymouth NHS Foundation Trust initially withheld some information, relying on section 41 (breach of confidence) and section 40(2) of the FOIA (personal data) to do so, before later disclosing it. The Commissioner's decision is that the Trust has disclosed the information it holds and has therefore complied with its duty under section 1(1) of the FOIA. However, as it failed to provide some of the information within 20 working days, the Trust breached section 10 of the FOIA. The Commissioner does not require any further steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-88983-Q1X0](#)

[NHS North Central London CCG](#)

7 Sep 2021, Health

The complainant has requested information for all information held relating to a decision making process to have one provider (rather than more than one) to deliver a particular

Appendix Two

contract and all information held relating to a decision making process to use a restricted list-based procurement process with regard to a particular contract. The CCG has confirmed that no further information is held falling within the scope of the request other than that which has now been provided or withheld under section 40(2) FOIA. The Commissioner considers that on the balance of probabilities, there is no further recorded information held by the CCG under section 1(1)(a) FOIA falling within the scope of the request other than that which has already been provided or withheld under section 40(2) FOIA. The Commissioner also considers that the CCG was correct to redact the names from the information provided under section 40(2) FOIA. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld FOI 40(2): Complaint not upheld

[Decision notice IC-70799-M5F5](#)

[Black Country and West Birmingham Clinical Commissioning Group](#)

2 Sep 2021, Health

The complainant has requested the scoring and assessment notes from his company's bid for a tender. Black Country and West Birmingham Clinical Commissioning Group withheld the requested information and relied on section 43(2) of the FOIA to withhold the requested information. The Commissioner's decision is that the CCG has failed to demonstrate why the exemption is engaged in the circumstances of this case and is therefore not entitled to rely on the exemption. The Commissioner requires the CCG to take the following steps to ensure compliance with the legislation: disclose, to the complainant, a copy of the withheld information.

FOI 43: Complaint upheld

[Decision notice IC-75840-L8C6](#)

[Public Health England](#)

26 Aug 2021, Health

The complainant has requested information relating to several job roles. The Commissioner's decision is that the Public Health England (PHE) has failed to demonstrate on what grounds section 14(1) is engaged and therefore is not entitled to rely on the exception. The Commissioner requires PHE to take the following steps to ensure compliance with the legislation: Issue a fresh response to the request which does not rely upon section 14(1). The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 14(1): Complaint upheld

[Decision notice IC-85669-D8C5](#)

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

25 Aug 2021, Health

The complainant has requested information relating to an annual self-assessment for specialised vascular surgical services. The Commissioner's decision is that University Hospitals of Derby and Burton NHS Foundation Trust (the Trust), on the balance of probabilities, does not hold any further information within the scope of the request. The Commissioner does not require public authority to take any action as a result of this decision notice.

FOI 1: Complaint not upheld

[Decision notice IC-88604-M7L9](#)

[Public Health England](#)

24 Aug 2021, Health

Appendix Two

The complainant has requested information about the decision to de-classify COVID-19 as a High Consequence Infectious Disease. Public Health England (“PHE”), provided some information but withheld the remainder, relying on section 36 of the FOIA (prejudice to the effective conduct of public affairs) to do so. The Commissioner’s decision is that PHE is not entitled to rely on section 36 in respect of two out of the three documents it has withheld. Where PHE is entitled to rely on section 36, the public interest favours maintaining the exemption. PHE also breached both section 10 and section 17 of the FOIA in responding to the request. The Commissioner requires PHE to take the following steps to ensure compliance with the legislation: disclose, to the complainant, the documents it has identified to the Commissioner as Annex B and C respectively.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 36: Complaint partly upheld
[Decision notice IC-73557-B7F7](#)

[NHS Business Services Authority](#)

19 Aug 2021, Health

The complainant has requested copies of complaints made to the Pension Regulator and any responses received. NHS Business Services Authority provided some redacted information, but withheld the remainder. It relied on section 43(2) of the FOIA (commercial interests) and section 44(1) of the FOIA (statutory prohibition on disclosure) in order to do so. The Commissioner’s decision is that NHSBSA has correctly relied upon section 44 of the FOIA to withhold information. However, it has not demonstrated that section 43(2) of the FOIA is engaged and is thus not entitled to rely on that exemption. NHSBSA also breached sections 10 and 17 of the FOIA respectively in responding to the request. The Commissioner requires NHSBSA to take the following steps to ensure compliance with the legislation: disclose, to the complainant, copies of the two BoL reports it has shown to the Commissioner. NHSBSA may only redact the PSR numbers and the personal data that it has already highlighted.

FOI 17: Complaint upheld FOI 43: Complaint upheld FOI 10: Complaint upheld
[Decision notice IC-81557-K9P1](#)

[Nottingham University Hospitals NHS Trust](#)

17 Aug 2021, Health

The complainant has requested information on children diagnosed with paediatric tumours within specific time periods. Nottingham University Hospitals NHS Trust (“the Trust”) initially refused the request on the basis that the information was personal data under section 40(2) of the FOIA and later also sought to rely on the exemption at section 41 of the FOIA for information provided in confidence. The Commissioner’s decision is that the information does engage the section 41 exemption and there is no public interest defence for breaching the duty of confidence. As such the Trust has correctly withheld the information.

FOI 41: Complaint not upheld

[Decision notice IC-52640-V8V5](#)

[Manchester University NHS Foundation Trust](#)

16 Aug 2021, Health

The complainant has requested demographic, qualification and work experience information relating to the successful candidate for a particular role. Manchester University NHS Hospitals Trust withheld the requested information of the successful candidate under section 40(2) FOIA. The Commissioner’s decision is that Manchester University NHS Hospitals Trust (‘MFT’) correctly withheld the information under section 40(2) FOIA but failed to respond to the request within 20 working days and therefore breached section 10 FOIA. The Commissioner requires no steps to be taken.

FOI 10: Complaint upheld FOI 40(2): Complaint not upheld

[Decision notice IC-95789-Z8B0](#)

Appendix Two

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

13 Aug 2021, Health

The complainant requested information from NHS England about two members of Midlands NHS Continuing Healthcare Independent Review Panel. 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.

FOI 10: Complaint upheld

[Decision notice IC-117965-T2N7](#)

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

13 Aug 2021, Health

The complainant requested information from NHS England about its contract with St. Peter's Andrology Service London and a forthcoming tender exercise for a replacement provider. 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.

FOI 10: Complaint upheld

[Decision notice IC-117811-X7H4](#)

[NHS England](#)

12 Aug 2021, Health

The complainant requested information from the NHS Commissioning Board ("NHS England") in four parts about correspondence relating to a contract awarded to Chapel Lane Surgery in Formby. The Commissioner's decision is that NHS England failed to respond to the requests 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 requests in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-109583-Y3M1](#)

[NHS Commissioning Board](#)

12 Aug 2021, Health

The complainant requested from the NHS Commissioning Board ("NHS England") information relating to the cost associated with providing additional healthcare resources from the private sector during the COVID-19 pandemic. By the date of this notice, NHS England had not provided a substantive response to the 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-109532-Z2G9](#)

Appendix Two

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

9 Aug 2021, Health

The complainant requested information about Covid vaccination appointments and vaccine doses that may have been disposed of. The Commissioner's decision is that the NHS Commissioning Board ("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.

FOI 10: Complaint upheld

[Decision notice IC-95478-L3D8](#)