



Hull

Clinical Commissioning Group

Freedom of Information (FOI) Quarter Three Report

NHS Hull Clinical Commissioning Group (CCG)

**Quarter Three 2021/2022 report covering the period:
1 October to 31 December 2021**

Freedom of Information Delivery Manager

INTRODUCTION

This report provides the Quarter Three position for requests received by NHS Hull Clinical Commissioning Group (CCG) under the Freedom of Information Act 2000 (FOIA) during the period; 1 October to 31 December 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 3 2020/21	Quarter 1 2021/22	Quarter 2 2021/22	Quarter 3 2021/22	Quarter 4 2021/22	Year to Date Comparison	
Requests Received	Oct– Dec	Apr – Jun	Jul – Sep	Oct– Dec	Jan - Mar	2020/21	2021/22
Total number of FOI requests received:	50	57	73	57		148	187
Total Number of FOIs Processed	50	57	73	55*		148	185*
Requests processed within 20 working days	50	57	73	55*		148	185*
Percentage processed FOIs Completed within 20 working days	100%	100%	100%	100%		100%	100%
Average time taken to process (days)	13	15	14	13		14	14

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

During Quarter Three 2021/2022; 55 requests were processed compared to 73 processed in Quarter Two. This equates to a decrease of 24.7% in the number of FOI requests processed compared to Quarter Two, however, the average number of days to process the requests decreased to 13 during the quarter.

Against the same period in 2020/2021 there was a 10% increase, however the average number of days to process the requests remained the same at 13 days. All the requests processed during the quarter were completed within the statutory 20 working day deadline.

The assumption remains that the variations in the number of requests received and processed continues to be due to the COVID-19 Pandemic recovery. 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 Three was IT Services/ Systems with 8 requests, followed by Workforce/Staff, Primary Care and Mental Health with 4 requests each also proving popular topics.

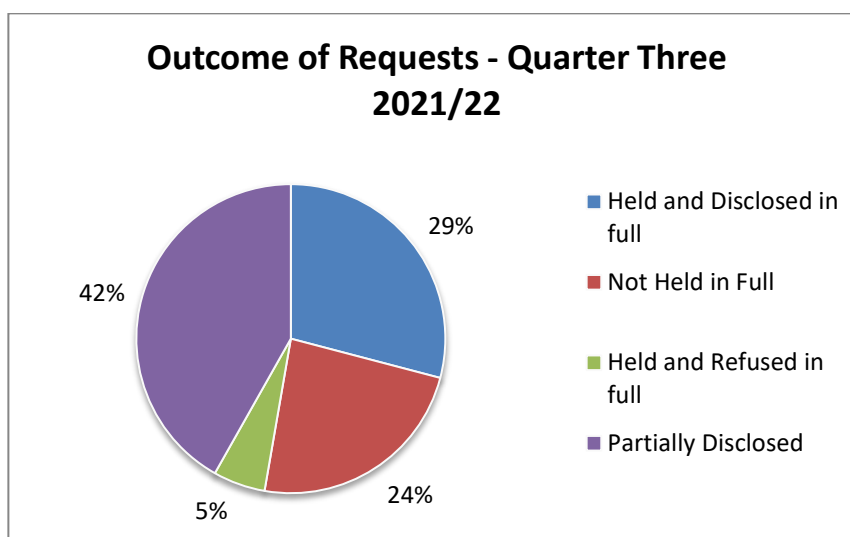
For a full illustration of the various topics for Quarter Three please see **Appendix One**.

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%)	16 (29%)		66(36%)
Information Not Held by CCG	12 (21%)	19 (26%)	13 (24%)		44(24%)
Information Held and Refused in Full - Exempt	1 (2%)	4 (5%)	3 (5%)		8(4%)
Partially Disclosed as Not Held or Exemption(s) applied	18 (31%)	26 (36%)	23 (42%)		67(42%)
Total Number of Requests	57	73	55		185

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



During Quarter Three - 2021/2022, of the 55 requests processed; 13 (24% sought information that was not held by the CCG. 16 (29%) received information in full, 23 (42%) received part of the information requested as the remainder was either not held by the CCG or withheld as one or more exemption applied to the request and 3 (5%)

were withheld in full as an exemption applied. 11 (20%) of the requests had an exemption applied. (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 Three the most commonly applied exemptions were Section 21 with 7 instances followed by Section 40 with 5, which demonstrates the CCG is able to apply the FOIA exemptions with regard to Data Protection and FOI Legislation whilst providing reasonable and appropriate assistance regarding information 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	1		6
14 – Repeat Request	0	1	0		1
21 - Accessible by other means	4	3	7		14
22 - Future Publication	1	0	0		1
31 – Law Enforcement	1	2	1		4
40 – Personal Data	0	4	5		9
Total	9	12	14*		35*
Partially Disclosed as Not Held	10	18	15		43
	19	30	29		78

* 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.

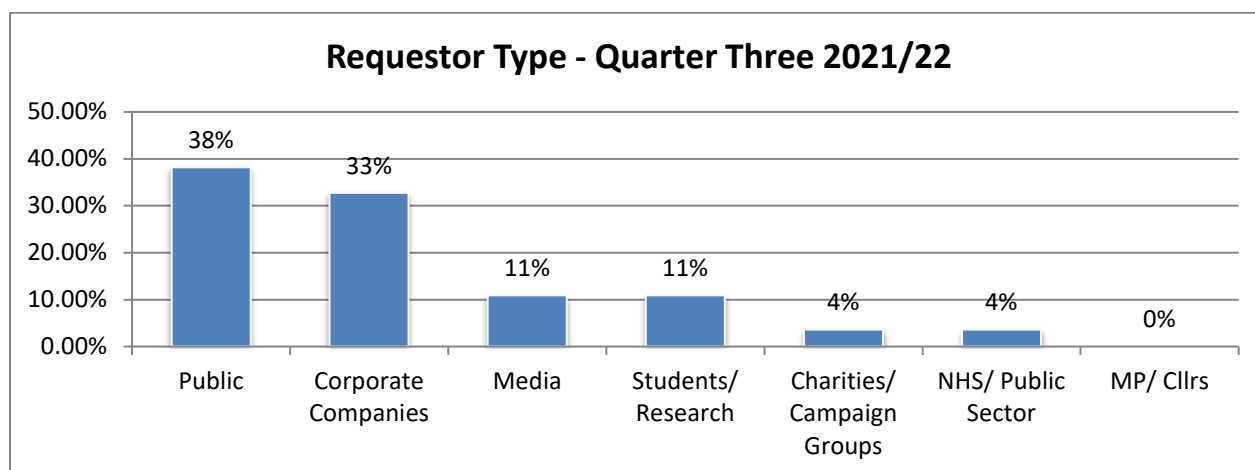
2021/2022	Q1	Q2	Q3	Q4	Total
NHS-Acute	9	7	10		26
NHS-Mental Health	2	4	5		11
NHS Other	3	5	1		9
NHSEI	4	3	4		11
GPs	1	2	2		5
Local Authority	2	5	4		11
NHS Prescription Services	2	1	0		3
NHS Digital	3	1	0		4
Independent Sector	0	6	2		8
Other	3	4	1		8
Total	29	38	29	0	96

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 the Quarter.

Summary of Requesters (Processed Requests)	Quarter 3 2020/21	Quarter 1 2021/22	Quarter 2 2021/22	Quarter 3 2021/22	Quarter 4 2021/22	Year to Date Comparison	
	Oct – Dec	Apr - Jun	Jul – Sep	Oct – Dec	Jan – Mar	2020/21	2021/22
Charities, Voluntary Sector / Campaign Groups	14	1	7	2		12	10
Corporate Companies	22	20	24	18		19	62
Media (local and national)	5	5	3	6		15	14
Members of Parliament / Local Councillors	0	1	0	0		2	1
NHS/ Public Sector Organisations	1	3	1	2		9	6
Individual Members of the Public	25	25	34	21		68	80
Students / Research	2	2	4	6		4	12
Total	50	57	73	55		149	185



Internal Reviews

There were no Internal Review request received during Quarter Three between 1 October and 31 December 2021.

Training

No FOIA specific training sessions were provided during Quarter Three 2021/2022 due to the continued restrictions for COVID-19, Virtual FOI general or specific training is available from the FOI Team on request.

Customer Feedback

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

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 Three. 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 Three: 1 October 2021 to 31 December 2021 Request Category by Subject Area

Commissioning	37
Mental Health	4
Continuing Healthcare (CHC)	3
Primary Care	3
Weight Management	3
Conditions/Syndromes	2
IT Services/Systems	2
Policies / Procedures /Pathways	2
Community Health Services	2
Acute	2
COVID-19	1
Women & Children	1
Remote Healthcare	1
Palliative care	1
Social Prescribing	1
Dementia	1
Dermatology services	1
CAMHS (ADHD, Autism)	1
Communication Aids	1
Workforce / staff	1
Discharge	1
Adult Social Care	1
Ophthalmology	1
Memory Service	1
Corporate	7
Workforce / staff	3
Primary Care	1
IT Services/Systems	1
PALS	1
Supply Chain	1
Finance	1
Staffing/Employment	1
Pharmaceutical	4
Formulary	2
Rheumatology	1
Medicines Management	1
IT	4
IT Services/Systems	4
ICS Via STP	2
Policies / Procedures /Pathways	1
IT Services/Systems	1
Grand Total	55

Appendix Two

DECISION NOTICES Health Related (54 in total) 1 October 2021 to 31 December 2021

[South Tyneside and Sunderland NHS Foundation Trust](#)

20 Dec 2021, Health

The complainant has requested the total number of covid-19 deaths in the South Tyneside Area from February 2020 to November 2020. South Tyneside and Sunderland NHS Foundation Trust (the Trust) explained that to provide the information would exceed the cost limit outlined in section 12(1) of the FOIA (cost of compliance exceeds the appropriate limit). The Commissioner's decision is that the Trust is entitled to rely on section 12(1). However, he also finds that the Trust failed to provide any advice and assistance to the complainant in the making of their request and has therefore failed to comply with its obligations according to section 16(1) of the FOIA (duty to provide advice and assistance). The Commissioner therefore requires the public authority to take the following steps to ensure compliance with the legislation: Provide advice and assistance to the requestor in relation to their request.

FOI 12: Complaint not upheld FOI 16: Complaint upheld

[Decision notice IC-110207-Q9G2](#)

[London Ambulance Service NHS Trust](#)

20 Dec 2021, Health

The complainant has requested information from the London Ambulance Service NHS Trust (LAS) consisting of job descriptions, staff responsibilities, policies, procedures, guidelines, manning levels, and numbers of complaints. LAS provided some information, withheld certain information under section 40 (personal information) and section 21 (information accessible by other means), stated that it did not hold certain information, and that some of the requested information fell outside the scope of the FOIA. The complainant argued that he had not been provided with the information to which he was entitled. During the Commissioner's investigation LAS conducted a detailed review of the request and its responses. Further information was disclosed at a late stage and there is now no further information to be provided. The Commissioner's decision is therefore confined to procedural matters and he has concluded that LAS has breached sections 1, 10 and 17 of the FOIA. As there is no further information to disclose, the Commissioner does not require the public authority to take any further steps.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-102997-F5D1](#)

[University Hospitals of North Midlands NHS Trust](#)

17 Dec 2021, Health

In a four part request, the complainant has requested from University Hospitals of North Midlands NHS Trust ('the Trust') information associated with its vascular services. The Trust released information within scope of Q1 and Q2 of the request, released information relevant to Q3 and directed the complainant to where other relevant information is published, and advised that it does not hold information relevant to Q4. The Commissioner's decision is as follows: On the balance of probabilities the Trust has released all the information it holds that is relevant to Q3 and Q4 of the request and has complied with section 1(1) with regard to those questions. The Trust breached section 10(1) of the FOIA as it did not comply with section 1(1) within 20 working days of the complainant's request. The Commissioner does not require the Trust to take any remedial steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-109910-W9H2](#)

Appendix Two

[Betsi Cadwaladr University Health Board](#)

15 Dec 2021, Health

The complainant requested information from Betsi Cadwaladr University Health Board relating to the end of life care of his late mother. Betsi Cadwaladr University Health Board refused the request made under FOIA relying on the section 40(2) FOIA (Personal information) and section 41(1) FOIA (Information provided in confidence) exemptions. The Commissioner decided that the Betsi Cadwaladr University Health Board had conducted appropriate searches to identify information falling within the scope of the request. He received assurances that all the relevant information held either had been disclosed or was exempt from disclosure. Following his investigation, the Commissioner decided that the Betsi Cadwaladr University Health Board had correctly engaged the section 40(2) and 41(1) FOIA exemptions to refuse the FOIA request and had complied with its obligations under section 1(1) FOIA. The Commissioner decided that, by not responding to the request for information within 20 working days, the Betsi Cadwaladr University Health Board had breached section 10(1) FOIA (Time for compliance). The Commissioner did not require Betsi Cadwaladr University Health Board to take any steps to comply with the legislation.

FOI 10: Complaint upheld FOI 40: Complaint not upheld FOI 41: Complaint not upheld

[Decision notice IC-117529-P7B3](#)

[General Dental Council](#)

14 Dec 2021, Health

The complainant has requested financial information about under-guise investigations from the General Dental Council (GDC). The GDC released information it holds and has advised it does not hold some of the information the complainant has requested. The Commissioner's decision is as follows: On the balance of probabilities, the GDC has released all the relevant information it holds and has complied with section 1(1) of the FOIA. The Commissioner does not require the GDC to take any remedial steps.

FOI 1: Complaint not upheld

[Decision notice IC-107651-B6J6](#)

[Birmingham and Solihull Mental Health Foundation Trust](#)

14 Dec 2021, Health

The complainant has requested generic contracts of employment for foreign nationals employed as trainee clinical psychologists. Birmingham and Solihull Mental Health Foundation Trust ('the Trust') had advised that it did not hold the requested information but identified and released some relevant information during the course of the Commissioner's investigation. The Commissioner's decision is as follows: The Trust has now complied with section 1(1) of the FOIA and, on the balance of probabilities, holds no further information falling within scope of the complainant's request. The Trust breached section 10(1) of the FOIA as it did not communicate to the complainant all the relevant information it holds within 20 working days of the request. The Commissioner does not require the Trust to take any remedial steps.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-108225-W0X8](#)

[Public Health Wales](#)

9 Dec 2021, Health

The complainant requested various information from Public Health Wales in respect of decisions it had made in response to the Covid-19 pandemic and protecting public health. Public Health Wales (PHW) refused the request citing section 14(1) (vexatious requests) of

Appendix Two

the FOIA. The Commissioner's decision is that PHW has failed to demonstrate that section 14(1) is engaged in respect of this request.

FOI 14(1): Complaint upheld

[Decision notice IC-83523-F5L1](#)

[Penrose Surgery](#)

9 Dec 2021, Health

The complainant requested information relating to a hearing aid loop. The partners of Penrose Surgery initially denied holding information within the scope of the request but later refused the request as vexatious. The Commissioner's decision is that the request was vexatious and therefore the Surgery was entitled to rely on section 14(1) of the FOIA to refuse it. However, he also finds that the surgery failed to issue its refusal notice within 20 working days and therefore breached section 17(5) of the FOIA. The Commissioner does not require any further steps.

FOI 17: Complaint upheld FOI 14: Complaint not upheld

[Decision notice IC-97413-D0L2](#)

[Oxford University Hospitals NHS Foundation Trust](#)

9 Dec 2021, Health

The complainant submitted a request to Oxford University NHS Foundation Trust ('the Trust') for a copy of the risk assessment upon which the decision to limit people giving birth to one companion was made. The Commissioner's decision is that the Trust has breached section 10 (1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step 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 Freedom of Information Act and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-126062-Q6D6](#)

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

7 Dec 2021, Health

The complainant requested information from the Norfolk and Norwich University Hospitals NHS Foundation Trust ("the Trust") about the number of people vaccinated and unvaccinated against Covid-19. By the date of this notice the Trust had failed to provide a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to respond to the complainant's request in accordance with the FOIA. The Trust must take these steps within 35 calendar days of the date of this decision notice.

FOI 10: Complaint upheld

[Decision notice IC-139929-M7B8](#)

[Cheshire & Wirral Partnership NHS Trust](#)

6 Dec 2021, Health

The complainant requested information from Cheshire and Wirral Partnership NHS Foundation Trust ("the Trust") about the skills and experience of staff working in Wirral Trust's Clinical Psychology provision for children and young people. The Commissioner's decision is that the Trust breached section 10(1) of the FOIA by failing to provide a valid

Appendix Two

response to the request within the statutory time frame of 20 working days. No steps are required.

FOI 10: Complaint upheld

[Decision notice IC-140621-J2X4](#)

[Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust](#)

2 Dec 2021, Health

The complainant has requested information from Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust (the Trust) relating to diagnosis of mental health conditions, misconduct and board meetings. The Trust applied section 14 of the FOIA (vexatious) to refuse the request. The Commissioner's decision is that the request was vexatious and the Trust was entitled to rely on section 14(1) of the FOIA to refuse it. The Commissioner does not require the public authority to take any steps.

FOI 14: Complaint not upheld

[Decision notice IC-66406-L7Q2](#)

[General Pharmaceutical Council](#)

2 Dec 2021, Health

The complainant has requested information about the pharmacy registration assessment in March 2021. The General Pharmaceutical Council provided some information but relied on section 36(2)(c) of the FOIA (prejudice to the effective conduct of public affairs) in order to withhold the remainder. The Commissioner's decision is that the GPhC is not entitled to rely on section 36 to withhold this information. The Commissioner requires the GPhC to take the following steps to ensure compliance with the legislation: disclose, to the complainant, the information sought by elements [1] and [2] of the request.

FOI 36: Complaint upheld

[Decision notice IC-107802-V6S8](#)

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

24 Nov 2021, Health

The complainant requested from Norfolk and Norwich University Hospitals NHS Foundation Trust ("the Trust") information relating to its spending on services for the deaf and blind. By the date of this notice the Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation. The Trust must provide a substantive response to the request in accordance with its obligations under the FOIA. The Trust must take this step 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-138332-S9C0](#)

[University Hospitals Plymouth NHS Trust](#)

23 Nov 2021, Health

The complainant has requested information on deaths associated with air pollution. University Hospitals Plymouth NHS Trust ("the Trust") has advised that it does not hold the requested information. The Commissioner's decision is as follows: The Trust does not hold the information the complainant has requested and therefore regulation (12)(4)(a) of the EIR is engaged. The Commissioner does not require the Trust to take any remedial steps.

EIR 12(4)(a): Complaint not upheld

Appendix Two

[Decision notice IC-104822-X3C9](#)

[Midlands Partnership NHS Foundation Trust](#)

17 Nov 2021, Health

In an eight part request, the complainant has requested a variety of information from Midlands Partnership NHS Foundation Trust ('the Trust'), broadly about particular staffing arrangements. The Trust has addressed the majority of the questions and advised that it holds no information within scope of question 1 and parts of question 8. The complainant considers the Trust holds information relevant to question 1. The Commissioner's decision is as follows: On the balance of probabilities, the Trust does not hold information within scope of question 1 and has complied with section 1(1)(a) of the FOIA. The Trust breached section 10(1) as it did not comply with section 1(1) promptly, and within 20 working days.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-61274-W4B3](#)

[NHS Improvement](#)

16 Nov 2021, Health

The complainant has requested information acquired during the course of an independent review. NHS Improvement disclosed some information but variously relied on section 36 (prejudice to the effective conduct of public affairs), section 40 (third party personal data) and section 41 (actionable breach of confidence) of the FOIA to withhold the requested information. The Commissioner's decision is that almost all of the material within the scope of the request is covered by either section 40(2) of the FOIA, section 41(1) of the FOIA, or both exemptions. However, for reasons explained below, the Commissioner would have made more substantive redactions than NHSI made. For reasons that are expanded upon below, the Commissioner does not require NHSI to take further steps in respect of this complaint. However, she has made comments in Other Matters which NHSI should have regard to when dealing with future, similar, complaints.

FOI 40: Complaint partly upheld FOI 41: Complaint not upheld

[Decision notice IC-104907-C3P3](#)

[NHS Commissioning Board](#)

15 Nov 2021, Health

The complainant has requested copies of two pandemic briefing papers and any correspondence between the Head of Emergency, Preparedness, Resilience and Response and the Department of Health and Social Care and the Chief Medical Officer in the three months following the submission of these papers to the Chief Medical Officer. NHSE disclosed the papers to the complainant but stated that no correspondence in the scope of the request was held. The Commissioner's decision is that NHSE has conducted appropriate searches to identify relevant information but that no information in scope of the request is held. She therefore finds, on balance, that NHSE has complied with its obligations under section 1(1) of the FOIA.

FOI 1: Complaint not upheld

[Decision notice IC-106062-C4T](#)

[Yeovil District Hospital NHS Foundation Trust](#)

15 Nov 2021, Health

The complainant has requested a range of information associated with COVID-19 and personal protective equipment. Yeovil District Hospital NHS Foundation Trust ('the Trust') has refused to comply with the request under section 12(1) of the FOIA (cost exceeds the appropriate limit). The Commissioner's decision is as follows: The Trust is entitled to refuse to comply with the request under section 12(1) of the FOIA but it contravened its obligation

Appendix Two

under section 16(1) of the FOIA to provide adequate advice and assistance to the complainant. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: Offer the complainant advice and assistance on how he might refine his request to bring compliance within the cost limit.

FOI 12: Complaint not upheld FOI 16: Complaint upheld

[Decision notice IC-102800-K0G7](#)

[Medicines and Healthcare Products Regulatory Agency](#)

10 Nov 2021, Health

The complainant has requested copies of the exceptional use authorisations for two Covid-19 testing kits. The Medicines & Healthcare products Regulatory Agency refused to provide this information as it considered that the Enterprise Act 2002 prevented it from doing so. It therefore relied on section 44 of the FOIA (statutory prohibition on disclosure) to withhold the information. The Commissioner's decision is that the Enterprise Act only prohibits disclosure of a small quantity of the requested information. The MHRA is therefore entitled to rely on section 44 of the FOIA to withhold most of the information. The Commissioner requires the MHRA to take the following steps to ensure compliance with the legislation: disclose copies of both letters that have been withheld, with the exception of: The quoted text in italics at the end of the first paragraph beginning after the words "The reasons for application cited"; The name and address of the recipient of the letter; The sender's name, job title and signature; In respect of the letter dated 22 December only, all five sub-paragraphs (a – e) of numbered paragraph 6.

FOI 44: Complaint partly upheld

[Decision notice IC-100061-Q3Q9](#)

[Oxford University Hospitals NHS Foundation Trust](#)

9 Nov 2021, Health

The complainant requested information Oxford University Hospitals NHS Foundation Trust ("the Trust") relating to the emergency assessment unit at John Radcliffe Hospital. By the date of this notice the Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation. The Trust must provide a substantive response to the request in accordance with its obligations under the FOIA. The Trust must take this step 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-134015-K1G1](#)

[St Helens Clinical Commissioning Group](#)

3 Nov 2021, Health

The complainant has requested information relating to weight management services within St Helens. The St Helens Clinical Commissioning Group ("the CCG") confirmed that it does not hold any further information that falls within the scope of the request, other than that which it has already been disclosed. The Commissioner is satisfied that, on the balance of probabilities, the CCG does not hold any further information that falls within the scope of the request. The Commissioner does not require the CCG 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

Appendix Two

[Decision notice IC-101243-M5B5](#)

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

1 Nov 2021, Health

The complainant has requested the results of a 2020 staff survey. East of England Ambulance Service NHS Trust ('the Trust') has withheld the information under FOIA section 41(1) (information provided in confidence), sections 36(2)(b) and 36(2)(c) (prejudice to effective conduct of public affairs), section 40(2)(personal data) and section 38(1) (health and safety). The Commissioner's decision is as follows: The Trust correctly applied section 41(1) to the requested information as it is information provided in confidence. The Commissioner does not require the Trust to take any remedial steps.

FOI 41: Complaint not upheld

[Decision notice IC-94518-V8B0](#)

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

1 Nov 2021, Health

The complainant requested information from Norfolk and Norwich University Hospitals NHS Foundation Trust ("the Trust") relating to the number deaths from COVID-19. By the date of this notice the Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation. The Trust must provide a substantive response to the request in accordance with its obligations under the FOIA. The Trust must take this step 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-132763-H2D2](#)

[East Kent Hospitals University NHS Foundation Trust](#)

29 Oct 2021, Health

The complainant has requested information, including legal advice sought and received by East Kent Hospitals University NHS Foundation Trust ("the Trust") in relation to allegations made against the complainant. The Trust confirmed all information had previously been provided with the exception of legal advice which was being withheld under section 42(1) of the FOIA. The Commissioner's decision is that the information withheld by the Trust is subject to legal professional privilege and engages the section 42(1) exemption. The Commissioner finds that the public interest favours maintaining the exemption and withholding the information.

FOI 42: Complaint not upheld

[Decision notice IC-69531-B3Y7](#)

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

29 Oct 2021, Health

The complainant requested from Norfolk and Norwich University Hospital NHS Foundation Trust ("the Trust") information relating to the cost of installing a rainbow pavement. By the date of this notice the Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation. The Trust must provide a substantive response to the request in

Appendix Two

accordance with its obligations under the FOIA. The Trust must take this step 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-132225-W4F7](#)

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

28 Oct 2021, Health

The complainant has requested information from the NHS Commissioning Board (“NHS England”) relating to the effectiveness of the National Genomic Information System within the NHS. The Commissioner’s decision is that NHS England failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act (“the FOIA”).

FOI 10: Complaint upheld

[Decision notice IC-130092-K8L4](#)

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

28 Oct 2021, Health

The complainant requested information NHS England about the allocation of tickets to the FA Cup semi-final and Carabao Cup final for London based NHS staff. 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-129580-F0V8](#)

[Oxford University Hospitals NHS Foundation Trust](#)

28 Oct 2021, Health

The complainant requested information Oxford University Hospitals NHS Foundation Trust (“the Trust”) about staff redeployed due to Covid during the period March 2020 to date and other related information. By the date of this notice the Trust had failed to provide a substantive response to this request. The Commissioner’s decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to respond to the complainant’s request in accordance with the FOIA. The Trust must take these steps within 35 calendar days of the date of this decision notice.

FOI 10: Complaint upheld

[Decision notice IC-129586-T5W7](#)

[North East London Clinical Commissioning Group](#)

26 Oct 2021, Health

The complainant requested information about Fit and Proper Person investigations. North East London Clinical Commissioning Group denied holding any information within the scope of the request. The Commissioner’s decision is that, on the balance of probabilities, the CCG holds no information within the scope of the request. The Commissioner does not require any further steps.

FOI 1: Complaint not upheld

[Decision notice IC-104108-Q5Y9](#)

Appendix Two

[West London NHS Trust](#)

25 Oct 2021, Health

The complainant has requested information about a review of an investigation. West London NHS Trust ('the Trust') has applied section 30(3) (investigations and proceedings), section 40(2) (personal data) and section 42 (legal professional privilege) to the request. The Commissioner's decision is as follows: If the Trust holds any information within scope of the request it would be the complainant's own personal data which would be exempt information under section 40(1) of the FOIA. The Commissioner has therefore applied section 40(5A) of the FOIA herself proactively to prevent the disclosure of personal data that would result from confirming or denying that information was held. The Trust breached section 17(1) of the FOIA as its refusal notice was inadequate. The Commissioner does not require the Trust to take any remedial steps.

FOI 17: Complaint upheld FOI 40: Complaint upheld

[Decision notice IC-92713-C7K9](#)

[NHS Digital](#)

22 Oct 2021, Health

The complainant has requested information associated with a 'Type 2' opt-out error identified in 2018. NHS Digital has categorised the request as a vexatious request under section 14(1) of the FOIA. The Commissioner's decision is as follows: NHS Digital is entitled to categorise the complainant's request of 16 January 2021 as vexatious under section 14(1) of the FOIA and is not obliged to comply with that correspondence. The Commissioner does not require NHS Digital to take any remedial steps. Information Tribunal appeal EA/2021/0314 under appeal.

FOI 14: Complaint not upheld

[Decision notice IC-86104-G2K9](#)

[Woodgrange Medical Practice](#)

22 Oct 2021, Health

The complainant requested details of the medical insurance provider of Woodgrange Medical Practice. The Commissioner's decision is that Woodgrange Medical Practice failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires Woodgrange Medical Practice 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. Woodgrange Medical Practice 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-118839-J6F8](#)

[Kings College Hospital NHS Foundation Trust](#)

21 Oct 2021, Health

The complainant has requested information relating to expenditure for the pathology department for the financial years 2017-18, 2018-19 and 2019-2020. The Commissioner's decision is that the Trust has failed to demonstrate why section 43(2) (commercial interests) of the FOIA is engaged. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: Disclose the withheld information.

FOI 43: Complaint upheld

[Decision notice IC-61633-C7T9](#)

Appendix Two

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

20 Oct 2021, Health

The complainant requested information from The NHS Commissioning Board relating to the spend data above £25,000 between 1 April 2020 and 28 February 2021. 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. 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-113081-Z9M4](#)

[Guys and St Thomas NHS Foundation Trust](#)

19 Oct 2021, Health

The complainant has requested Guy's and St Thomas' NHS Foundation Trust (the trust) to disclose the number of Prostate Arterial Embolisation procedures two doctors performed in 2019 and 2020 and any other data collected by the trust relating to such procedures over the same timeframe. The trust refused to disclose the requested information citing section 40(2) of the FOIA. During the Commissioner's investigation the trust disclosed the requested information to the complainant and withdrew its application of section 40(2) of the FOIA. The Commissioner's decision is that the trust breached section 1 and 10 of the FOIA for failing to disclose information to which the complainant was entitled under section 1 within 20 working days of the receipt of the request. As the information has now been disclosed, the Commissioner does not require any further action to be taken.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-106958-X1B2](#)

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

18 Oct 2021, Health

The complainant requested information from the NHS Commissioning Board ("NHS England") relating to the NIMS database. 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-128417-Y6D4](#)

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

18 Oct 2021, Health

The complainant requested information from the NHS Commissioning Board ("NHS England") relating to NHS England's CMU Framework Agreement and the supply of human albumin. 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

Appendix Two

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-128664-P6D4](#)

[Isle of Wight NHS Trust](#)

18 Oct 2021, Health

The complainant has requested information about psychological assessment screening. The Isle of Wight NHS Trust ('the Trust') advised it does not hold the requested information. The Commissioner's decision is as follows: It has become apparent that the Trust has failed to obtain the correct objective reading of the request. In line with the duty under section 16(1) of the FOIA, it would have been reasonable for the Trust to offer the complainant advice and assistance in order to help them describe the requested information. Because it did not do so, the Trust did not comply with section 16(1). The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: The Trust must offer the complainant appropriate advice and assistance so as to enable them to clarify their request; setting out what it needs from the complainant in order to identify the requested information. If the complainant is genuinely seeking specific information, then the onus is on them to engage with the Trust to help ensure the Trust understands what recorded information it is that they are seeking.

FOI 16: Complaint upheld

[Decision notice IC-84995-B0K7](#)

[North Bristol NHS Trust](#)

13 Oct 2021, Health

The complainant requested information from North Bristol NHS Foundation Trust relating to the physical assault of staff. By the date of this notice, the Trust 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. The Trust must 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-127271-V0Q9](#)

[Barnsley Hospital NHS Foundation Trust](#)

13 Oct 2021, Health

The complainant requested information from Barnsley Hospital NHS Foundation Trust relating to the physical assault of staff. By the date of this notice, the Trust 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. The Trust must issue a substantive response to the request in accordance with its obligations under the FOIA. The Trust must take these steps within 35

Appendix Two

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-127281-B6F6](#)

[Harrogate and District NHS Foundation Trust](#)

13 Oct 2021, Health

The complainant requested information from Harrogate and District NHS Foundation Trust relating to the physical assault of staff. By the date of this notice, the Trust 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. The Trust must 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-127277-X1N8](#)

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

13 Oct 2021, Health

The complainant requested information from Norfolk and Norwich University Hospitals NHS Foundation Trust relating to the physical assault of staff. By the date of this notice, the Trust 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. The Trust must 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-127273-Z7D7](#)

[Sandwell and West Birmingham Hospitals NHS Trust](#)

13 Oct 2021, Health

The complainant requested information from Sandwell and West Birmingham Hospitals NHS Trust ("the Trust") relating to the physical assault of staff. By the date of this notice, the Trust 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. The Trust must 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-127294-Y8X4](#)

[East Kent Hospitals University NHS Foundation Trust](#)

Appendix Two

12 Oct 2021, Health

The complainant requested data on hospital-acquired instances of Covid-19. East Kent Hospitals University NHS Foundation Trust relied on section 21 of the FOIA to withhold information as it was reasonably accessible to the complainant. The Commissioner's decision is that the Trust was correct to deal with the request under the FOIA and, having done so, was entitled to rely on section 21 of the FOIA to withhold some of the requested information. On the balance of probabilities, the Commissioner is also satisfied that the Trust holds no further information within the scope of the request. However, the Trust failed to inform the complainant, within 20 working days, that it did not hold some of the requested information and therefore breached section 10 of the FOIA. The Commissioner does not require any further steps. First-tier Tribunal (General Regulatory Chamber) Information Rights appeal EA/2021/0332 under appeal.

FOI 10: Complaint upheld FOI 21: Complaint not upheld FOI 1: Complaint not upheld

[Decision notice IC-90790-G8V2](#)

[Homerton University Hospital NHS Foundation Trust](#)

11 Oct 2021, Health

The complainant requested details of individuals who had been ejected for not wearing a facemask. Homerton University Hospital NHS Foundation Trust denied holding any information in recorded form. The Commissioner's decision is that, on the balance of probabilities, the Trust does not hold any information in recorded form that would fall within the scope of the request. The Trust has therefore complied with its duty under section 1(1) of the FOIA. The Commissioner does not require any further steps.

FOI 1: Complaint not upheld

[Decision notice IC-84765-V6D3](#)

[Homerton University Hospital NHS Foundation Trust](#)

11 Oct 2021, Health

The complainant has requested details of policies relating to patient behaviour. Homerton University Hospital NHS Foundation Trust disclosed some information and stated that this was the only information it held within the scope of the request. The Commissioner's decision is that the Trust does not hold any further information beyond that which has already been disclosed. However, the Trust did not identify all the recorded information it held within 20 working days and therefore breached section 10 of the FOIA. The Commissioner does not require further steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-93283-V9H5](#)

[Birmingham Women's and Children's Hospital NHS Foundation Trust](#)

8 Oct 2021, Health

The complainant requested copies of Royal College reports. Birmingham Women's and Children's Hospital NHS Foundation Trust had not responded to the request at the date of this notice. 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, under the FOIA, to the request.

FOI 10: Complaint upheld

[Decision notice IC-125445-P9M7](#)

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

8 Oct 2021, Health

Appendix Two

The complainant has requested all emails that the chief nurse has sent/received in relation to DNR discussions during the Covid pandemic. St George's University Hospitals NHS Foundation Trust (the Trust) has confirmed that no information is held falling within the scope of the request under section 1(1)(a) FOIA. The Commissioner considers that on the balance of probabilities, there is no recorded information held by the Trust under section 1(1)(a) FOIA falling within the scope of the request. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-72890-L7M9](#)

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

7 Oct 2021, Health

The complainant requested information from the NHS Commissioning Board ("NHS England") relating to the pathway/referral process, the Individual Funding Review panel and NHS England's targets for replying to correspondence from MPs. By the date of this notice, NHS England had not provided a substantive response. 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. NHS England must 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-126709-R7Q9](#)

[Manchester University NHS Foundation Trust](#)

6 Oct 2021, Health

The complainant requested information from Manchester University NHS Foundation Trust ("the Trust") relating to all surveys submitted by the domestic services department staff. The Commissioner's decision is that the Trust failed to respond to the requests within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").

FOI 10: Complaint upheld

[Decision notice IC-125946-T5V7](#)

[University Hospitals Plymouth NHS Trust](#)

5 Oct 2021, Health

The complainant has requested an areas specific table of scans undertaken for severe headaches listed as migraines. University Hospitals Plymouth NHS Trust ("the Trust") stated that this information was not held. The Commissioner's decision is that, on the balance of probabilities, the information is not held by the Trust and it has complied with its obligations under section 1(1) of the FOIA.

FOI 1: Complaint not upheld

[Decision notice IC-107019-M7B3](#)

[University Hospitals Plymouth NHS Trust](#)

5 Oct 2021, Health

The complainant has requested information that University Hospitals Plymouth NHS Trust ("the Trust") provided to inform a health study into the proposed site of an incinerator as well as information on yearly case studies on patient admittance by postcode area for a range of different illnesses. The Trust stated this information was not held. The Commissioner's

Appendix Two

decision is that, on the balance of probabilities, the information is not held by the Trust and it has complied with its obligations under section 1(1) of the FOIA.

FOI 1: Complaint not upheld

[Decision notice IC-107021-G3T7](#)

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

4 Oct 2021, Health

The complainant requested a range of information from Norfolk and Norwich University Hospitals NHS Foundation Trust (the 'Trust') about deaths at the Trust from Covid 19. 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. As a response has been issued, no steps are required.

FOI 10: Complaint upheld

[Decision notice IC-119017-M2X7](#)