



**North East Lincolnshire**  
Clinical Commissioning Group



# **Freedom of Information (FOI) Quarterly Report**

NHS North East Lincolnshire Clinical  
Commissioning Group (CCG)

Quarter Two 2019/20 report covering the period  
from July to September 2019.

**Freedom of Information Delivery Manager**



## INTRODUCTION

This paper provides an update on the current position of requests made to NHS North East Lincolnshire Clinical Commissioning Group (CCG) under the Freedom of Information Act 2000 (FOIA) from 1 July to 30 September 2019 and a comparison against quarter two in 2018/19.

### Volume of Requests – Timeliness of Responses

	Quarter 2 2018/19	Quarter 1 2019/20	Quarter 2 2019/20	Year to Date Comparison	
<b>Requests Received</b>	Jul – Sep 2018	Apr – Jun 2019	Jul – Sep 2019	2018/19	2019/20
<b>Total number of FOI requests received:</b>	<b>80</b>	<b>67</b>	<b>73</b>	<b>144</b>	<b>141</b>
Total Number of FOIs Processed	78*	67	71**	140*	138**
Requests processed within 20 working days	78	67	71	140	138
Requests processed outside 20 working days	0	0	0	0	0
Percentage processed FOIs Completed within 20 working days	100%	100%	100%	100%	100%
<b>Average time taken to process (days)</b>	<b>15</b>	<b>17</b>	<b>18</b>	<b>16</b>	<b>17</b>

\* Please see 2018/19 reports for further detail.

\*\* Clarification was requested and not received during quarter two for two requests.

Quarter two 2019/20 has seen an increase of 6% in the number of FOIA requests received and processed on the number of requests received and processed in quarter one 2019/20 and the average number of days to process the requests has increased by 1 day. Against the same period in 2018/19 there has been a 9% decrease in the number of requests received and processed. All requests processed in quarter two have been completed within the statutory 20 working day deadline. Year to date against the previous financial year, there has been a 1% decrease in the number of requests received and processed and the average number of days taken to process them has increased slightly to 17 days.

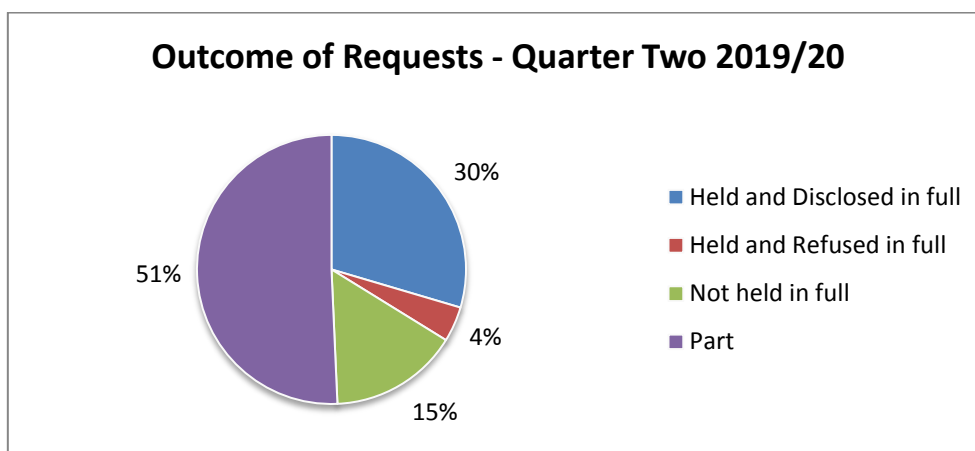
### Subject Area of Request

The CCG receives a variety of requests and in some cases requests with multiple questions for a variety of information types. The predominant subject area this quarter, however, has been Primary Care Networks, followed by Continuing Healthcare commissioning and diabetes commissioning. Please see Appendix One for a full illustration of the various topics.

## Outcome of Requests

Of the 71 requests processed, 15% (11) sought information that was 'not held' by the CCG. Information was disclosed in full for 30% (21) of the requests. During quarter two 4% (3) were for information held by the CCG but these were 'refused in full' because the information was exempt from disclosure. For the remaining 51% (36) of the requests the information was partially disclosed, either because only part of the information was held or because an exemption was applied. Exemptions were applied to 30% (21) of all requests processed.

The chart below displays the proportion of requests where information was held and disclosed, held and refused, not held or partially held by the CCG:



The following table illustrates the number of instances information was not disclosed and the reason for refusal. As shown in the table, the most commonly applied exemption was Section 40, which demonstrates the CCG is protecting personal data where appropriate.

Exemption/Reason for Refusal	Number of requests applied to
Section 21 – Accessible by other means	10
Section 40 – Data Protection	12
Section 43 – Commercial Interests	2
<b>Total</b>	<b>24</b>

The CCG has a duty to provide advice and assistance (Section 16) 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 and/or does hold the information requested. The table below shows which organisation(s) were highlighted as sources of information and on how many occasions during the quarter:

NHS-Acute	NHS-Mental Health	NHS Other	GPs	Local Authority	NHS Prescription Services	NHS Digital	NHSE	Other	Private
8	-	3	2	7	-	-	1	1	-

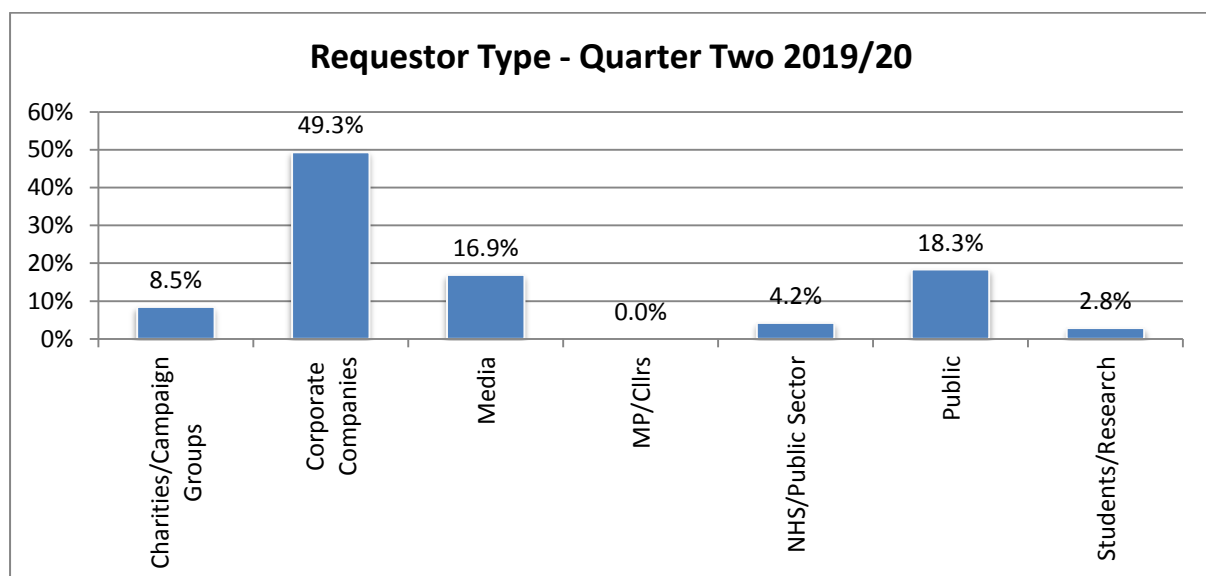
### Category of Requester

In accordance with the FOIA, the CCG maintains an 'applicant-blind' approach when providing information in response to requests. Where possible the type of FOI requester is recorded by the FOI team to help identify where the main demand for information originates.

As shown in table and chart below the two main types of requester appear to be corporate companies.

Summary of Requesters*	Quarter 2 2018/19	Quarter 1 2019/20	Quarter 2 2019/20
	Jul – Sep 2018	Apr – Jun 2019	Jul – Sep 2019
Charities, Voluntary Sector / Campaign Groups	7	4	6
Corporate Companies	27	32	35
Media (local and national)	12	8	12
Members of Parliament / Local Councillors	6	2	0
NHS/ Public Sector Organisations	3	3	3
Individual members of the public	17	14	13
Student / Research	6	4	2
<b>Total</b>	<b>78</b>	<b>67</b>	<b>71</b>

\*Figures based on completed requests.



### **Missed Requests – Internal Reviews**

There were no missed requests (original request not received) between 1 July and 30 September 2019.

One internal review (NEL 1673/1645) was processed in relation to a response issued in quarter one 2019/20 regarding the number of “complaints about patients’ discharges”.

### **Customer Feedback**

An electronic survey link for the collection of feedback is issued with every FOI response. During quarter two there have been two returns (NEL CCG – Q2 – Attachment 1). Both requestors indicated that they were happy with the service provided and the responses received.

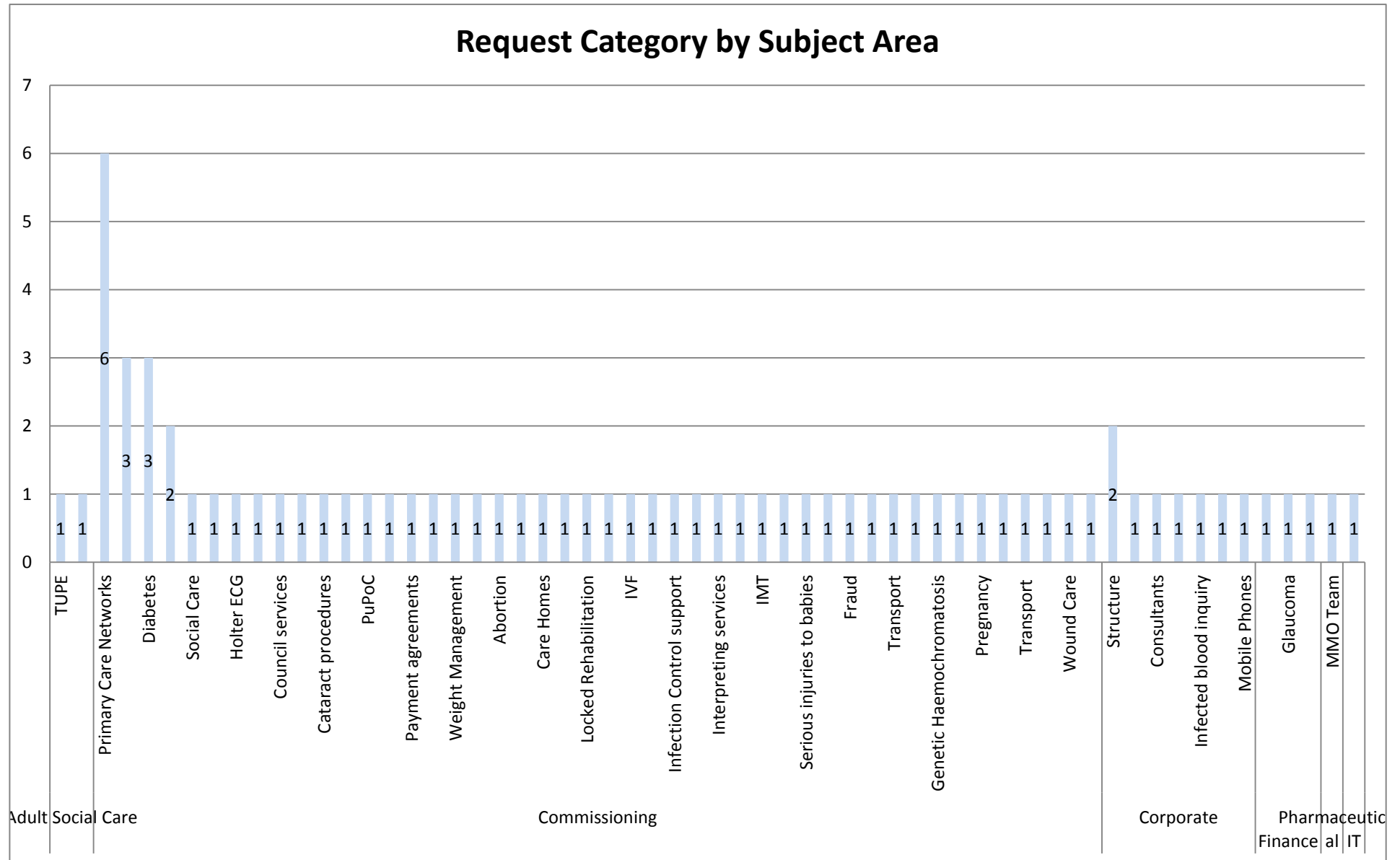
### **Decision Notices - Information Commissioners Office (ICO) and News**

Appendix Two shows the ICO’s health related Decision Notices for the quarter and any Decision Notices relating to Adult Social Care for the quarter.

The Information Commissioner has renewed her call for FOIA to be extended to cover private companies providing public services (which is valued at £284 billion a year). At the Society of Editors conference, the Commissioner also expressed ‘concern that government records had become more “ephemeral”, with decisions made by WhatsApp, making it harder to keep and access records of big decision-making’. She spoke about how the ICO processed approximately 6,500 FOI appeals a year and that although they have capacity to take more, “the laws have not kept up with the technology [and] so much government services are delivered by outsourced companies that are not subject to Freedom of Information”. The ICO made a case for reforming access to information law in its report [‘Outsourcing Oversight?’](#) which was published in January, in which the Information Commissioner said “urgent action” was required to ‘bring private companies providing public services under the scope of FOI’.

### **Freedom of Information Delivery Manager**

# Appendix One



## Appendix Two

### DECISION NOTICES Health Related (45 in total) 1 July – 30 September 2019

#### [Public Health England](#)

19 Sep 2019, Health

The complainant has requested information relating to the London Food, Water and Environmental Microbiology Laboratory (LFWE) which is part of Public Health England (PHE). PHE has explained that it holds some, but not all, of the information falling within the scope of the request. PHE has provided some of the information it holds. However, it has withheld some of the requested information under section 31 of the FOIA. The complainant is concerned about PHE's reliance on section 31 of the FOIA to withhold some of the requested information. The Commissioner's decision is that the withheld information does engage the exemption under section 31(1)(c), and that the public interest favours maintaining the exemption. The Commissioner does not require any further steps to be taken as a result of this decision notice.

FOI 31: Complaint not upheld

[Decision notice FS50786980](#)

#### [London Ambulance Service NHS Trust](#)

11 Sep 2019, Health

The complainant requested information relating to the outcome of an exercise carried out by the Contacts Management Team at the Trust with the contractor Interserve (Make Ready Contract). The Commissioner considers that the Trust has breached section 10(1) FOIA in the handling of this request. The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice FS50859998](#)

#### [NHS England](#)

11 Sep 2019, Health

The complainant has requested information relating to staffing at North and East London Commissioning Support Unit (NEL CSU). NHS England refused to comply with the request under section 12 FOIA. The Commissioner's decision is that NHS England was correct to apply section 12 FOIA and that it was not therefore obliged to comply with the request. The Commissioner does not however consider that NHS England provided the complainant with appropriate advice and assistance in accordance with its obligations under section 16 FOIA. The Commissioner requires the public authority to provide the complainant with appropriate advice and assistance based upon NHS England's revised position that it would exceed the cost limit to comply with this request in isolation.

FOI 12: Complaint not upheld

[Decision notice FS50830552](#)

## [NHS Improvement](#)

9 Sep 2019, Health

The complainant has requested information relating to the 'Single Oversight Framework'. The Commissioner's decision is that, on the balance of probabilities, NHS Improvement (NHSI) does not hold the information requested. The Commissioner does not require NHSI to take any steps.

FOI 1: Complaint not upheld

[Decision notice FS50815524](#)

## [United Lincolnshire Hospitals NHS Trust](#)

5 Sep 2019, Health

The complainant has requested information relating to MRI Scanner Housing. The Commissioner's decision is that United Lincolnshire Hospitals NHS Trust (the Trust) has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires the Trust to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50867662](#)

## [Pension Protection Fund](#)

30 Aug 2019, Health

The complainant has requested information relating to a category of employers known as Special Category Employers ("SCEs"). The Pension Protection Fund ("the PPF") consider the requested information to be "restricted information" which is prohibited from disclosure under section 197 of the Pensions Act 2004 [1]. The Commissioner's decision is that the PPF has correctly applied section 44(1)(a) of the FOIA on the basis that the requested information is prohibited from disclosure under section 197 of the Pensions Act 2004. The Commissioner does not require the PPF to take any further steps.

FOI 44: Complaint not upheld

[Decision notice FS50814978](#)

## [Public Health England](#)

28 Aug 2019, Health

The complainant has requested information about the identities of those who contributed to a specific report and about future research projects. Public Health England refused both requests as vexatious. The Commissioner's decision is that PHE should have dealt with both requests under the EIR and that it was not entitled to rely on regulation 12(4)(b) to refuse either request. She also finds that PHE failed to respond to either request within 20 working days and failed to provide the complainant with the opportunity to have an internal review of either response. PHE thus breached regulations 5(2) and 11 of the EIR in the way it responded to both requests. The Commissioner requires PHE to take the following steps to ensure compliance with the legislation: issue a fresh response, under the EIR, to both requests, which does not rely on regulation 12(4)(b).

EIR 12(4)(b): Complaint upheld EIR 11: Complaint upheld EIR 5(2): Complaint upheld

[Decision notice FS50833415](#)



## [NHS Improvement](#)

23 Aug 2019, Health

The complainant made a freedom of information request to NHS Improvement (NHSI) for the raw data of the Purchase Price Index and Benchmarking Data (PPIB). NHSI refused the request under the section 43(2) (commercial interests) exemption. During the investigation NHSI also cited section 14 (vexatious requests). The Commissioner's decision is that NHSI has correctly applied the vexatious provision at section 14(1) of the FOIA. She does not require any steps to be taken.

FOI 14: Complaint not upheld

[Decision notice FS50825104](#)

## [General Medical Council](#)

22 Aug 2019, Health

Complainants against doctors are determined by the Medical Practitioners Tribunal (MPT). The decisions of the MPT can be appealed by the General Medical Council (GMC). The complainant has requested the ethnicity of the doctors about whom the GMC made such appeals. The GMC provided a copy of statistics which had been released following an earlier information request from a different applicant, but refused to provide the updated statistics on the basis that the information was exempt under section 40(2). During the course of the Commissioner's investigation the GMC also applied section 14(1) – vexatious, to the request. It also became apparent during the Commissioner's investigation that the GMC held more detailed statistics on the ethnicity of the doctors involved. The Commissioner's decision is that the GMC were not entitled to rely on section 14 to refuse the request. It was however entitled to rely on section 40(2) to withhold both the updated statistics and the more detailed statistics that it holds. The Commissioner does not require the public authority to take any further action this matter.

FOI 14: Complaint upheld FOI 40(2): Complaint not upheld

[Decision notice FS50745911](#)

## [Swansea Bay University Health Board \(formerly Abertawe Bro Morgannwg...\)](#)

19 Aug 2019, Health

The complainant requested various pieces of information relating to Talybont Surgery. Abertawe Bro Morgannwg University Health Board ('ABMUHB') stated that it did not hold the information requested. The Commissioner's decision is that, on the balance of probabilities, ABMUHB does not hold any recorded information falling within the scope of the requests. The Commissioner does not require any steps to be taken. Information Tribunal appeal EA/2019/0318 Under Appeal.

FOI 1: Complaint not upheld

[Decision notice FS50816849](#)

## [Aneurin Bevan University Health Board](#)

16 Aug 2019, Health

The complainant has requested various information in respect of halal meat served to patients and staff. Following the intervention of the Commissioner, the Health Board provided a further response to the complainant. The Commissioner's decision is that Aneurin Bevan University Health Board has now complied with its obligations under section 1(1) of the FOIA. However, its failure to provide a full response within the appropriate timescales represents a breach of section 10 of the FOIA. As the Council has now complied with its obligations under section 1(1) of the FOIA, the Commissioner does not require the public authority to any steps.

FOI 10: Complaint upheld

[Decision notice FS50796699](#)

### [NHS England](#)

15 Aug 2019, Health

The complainant has requested reports on the urgent and emergency system from NHS England. At the date of this notice, NHS England has not provided a response to the request. The Commissioner's decision is as follows: NHS England has breached section 10(1) of the FOIA as it has not provided a response to the request within 20 working days. The Commissioner requires NHS England to take the following step to ensure compliance with the legislation: Provide a response to the complainant's request of 28 May 2019 that complies with the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50858980](#)

### [Barts Health NHS Trust](#)

15 Aug 2019, Health

The complainant has requested the suppressed figures on outcomes of specific disciplinary investigations. The Barts Health NHS Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0338 Under Appeal.

FOI 40: Complaint not upheld

[Decision notice FS50857267](#)

### [Wirral University Teaching Hospital NHS Foundation Trust](#)

15 Aug 2019, Health

The complainant has made a request for information relating to Healthcare Assistants. Despite the intervention of the Commissioner, Wirral University Teaching Hospital NHS Foundation Trust (the Trust) has not provided a response to the request in accordance with the FOIA. The Commissioner's decision is that the Trust has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires the Trust to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50850164](#)

### [United Lincolnshire Hospitals NHS Trust](#)

13 Aug 2019, Health

The complainant has requested information relating to the use of catheter-directed thrombolysis to treat arterial occlusions. The Commissioner's decision is that United Lincolnshire Hospitals NHS Trust (the Trust) has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires the Trust to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50863659](#)

### [Public Health England](#)

12 Aug 2019, Health

The complainant has requested information about advice given by Public Health England (PHE) regarding the Wiltshire novichok poisonings. PHE answered the questions asked and stated that information would be exempt on the basis of section 24, 40 and 42. On review, it later amended its position to state that in fact no recorded information was held. The Commissioner's decision is that, on the balance of probabilities, PHE does not hold any recorded information relevant to the request. PHE has therefore complied with its obligations under section 1(1) of the FOIA. Information Tribunal appeal EA/2019/0335 Under Appeal.

FOI 1: Complaint not upheld

[Decision notice FS50832616](#)

### [South Western Ambulance Service NHS Foundation Trust](#)

12 Aug 2019, Health

The complainant has requested information on the Wiltshire novichok incidents, including emergency response times and details of time at the scene and time taken to get to the hospital by the ambulances attending. The public authority refused to provide the information on the basis of section 24, 38 and 40 of the FOIA. The Commissioner's decision is that South Western Ambulance Service NHS Foundation Trust has correctly applied the provisions of the section 24 exemption and the public interest favours maintaining the exemption and withholding the requested information. She therefore does not require any steps to be taken. Information Tribunal appeal EA/2019/0330 Under Appeal.

FOI 24: Complaint not upheld

[Decision notice FS50826939](#)

### [The Whittington Health NHS Trust](#)

9 Aug 2019, Health

The complainant has requested information relating to numbers of Down syndrome births. The Whittington Health NHS Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0311 Under Appeal.

FOI 40: Complaint not upheld

[Decision notice FS50841731](#)

### [Poole Hospital NHS Foundation Trust](#)

9 Aug 2019, Health

The complainant has requested information relating to numbers of Down syndrome births. The Poole Hospital NHS Foundation Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take

any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0310 Under Appeal.

FOI 40: Complaint not upheld

[Decision notice FS50846461](#)

### [Sherwood Forest NHS Trust](#)

9 Aug 2019, Health

The complainant has requested information relating to numbers of Down syndrome births. The Sherwood Forest Hospitals NHS Foundation Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Trust failed to respond to the complainant's request within 20 working days and so breached section 10(1) of the FOIA. The Commissioner does not require the public authority to take any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0309 Under Appeal.

FOI 10: Complaint upheld FOI 40: Complaint not upheld

[Decision notice FS50840752](#)

### [Garstang Medical Practice](#)

8 Aug 2019, Health

The complainant has requested particular contracts from Garstang Medical Practice ('the Practice'). Having initially provided a response to the complainant, the Practice is now relying on section 14(1) of the FOIA (vexatious request) to refuse to comply with the request. The Commissioner's decision is as follows: The Practice can rely on section 14(1) of the FOIA to refuse to comply with the request. The Practice breached section 17(5) as it did not issue an appropriate refusal notice within the required timescale. The Commissioner does not require the Practice to take any remedial steps. Information Tribunal appeal EA/2019/0317 Under Appeal.

FOI 17: Complaint upheld FOI 14: Complaint not upheld

[Decision notice FS50814768](#)

### [United Lincolnshire Hospitals NHS Trust](#)

8 Aug 2019, Health

The complainant has made a request for information relating to the actions of Total Parking Solutions (TPS), and the contract between United Lincolnshire Hospitals NHS Trust (the Trust) and TPS. Despite the intervention of the Commissioner, the Trust has not provided a response to the request in accordance with the FOIA. The Commissioner's decision is that the Trust has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires the Trust to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50856735](#)

### [East Lancashire Hospitals NHS Trust](#)

5 Aug 2019, Health

The complainant has requested information relating to numbers of Down syndrome births. The East Lancashire Hospitals NHS Trust (the Trust) refused to provide the requested information

citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0308 Under Appeal.

FOI 40: Complaint not upheld

[Decision notice FS50841725](#)

### [Dicconson Group Practice](#)

2 Aug 2019, Health

The complainant has requested information regarding an investigation carried out into a complaint he had made. The request was refused as vexatious. The Commissioner's decision is that the Partners of the Dicconson Group Practice have correctly applied section 14 of the FOIA to refuse the request. The Commissioner does not require any further steps. Information Tribunal appeal EA/2019/0328 Under Appeal.

FOI 14: Complaint not upheld

[Decision notice FS50812280](#)

### [Shrewsbury and Telford Hospital NHS Trust](#)

1 Aug 2019, Health

The complainant has requested information relating to numbers of Down syndrome births. The Shrewsbury and Telford Hospital NHS Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 40: Complaint not upheld

[Decision notice FS50841738](#)

### [United Lincolnshire Hospitals NHS Trust](#)

1 Aug 2019, Health

The complainant has made a request for information relating to agency, temporary and/or locum doctors in A&E departments. Despite the intervention of the Commissioner, United Lincolnshire Hospitals NHS Trust (the Trust) has not provided a response to the request in accordance with the FOIA. The Commissioner's decision is that the Trust has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires the Trust to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50853212](#)

### [Imperial College Healthcare NHS Trust](#)

1 Aug 2019, Health

The complainant has made a request for information relating to agency, temporary and/or locum doctors in A&E departments. Despite the intervention of the Commissioner, Imperial College Healthcare NHS Trust (the Trust) has not provided a response to the request in accordance with

the FOIA. The Commissioner's decision is that the Trust has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires the Trust to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50853210](#)

### [Cambridge University Hospitals NHS Foundation Trust](#)

1 Aug 2019, Health

The complainant has made a request for information relating to agency, temporary and/or locum doctors in A&E departments. Despite the intervention of the Commissioner, Cambridge University Hospitals NHS Foundation Trust (the Trust) has not provided a response to the request in accordance with the FOIA. The Commissioner's decision is that the Trust has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires the Trust to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50853217](#)

### [Northern Devon Healthcare NHS Trust](#)

31 Jul 2019, Health

The complainant has requested information relating to numbers of Down syndrome births. The Northern Devon Healthcare NHS Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0307 Under Appeal.

FOI 40: Complaint not upheld

[Decision notice FS50841713](#)

### [University Hospital Birmingham NHS Foundation Trust](#)

26 Jul 2019, Health

The complainant has requested information on all financial transactions over £25,000. The University Hospitals Birmingham NHS Foundation Trust (the Trust) refused the request on the basis of section 31(1)(a) exemption, the prevention and detection of crime and section 43(2), commercial interests. The Commissioner's decision is that the Trust has demonstrated that sections 31 and 43 are engaged but that the public interest does not favour maintaining the exemptions. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: disclose the requested information. 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 31: Complaint upheld FOI 43: Complaint upheld

[Decision notice FS50810179](#)

### [Royal Free London NHS Foundation Trust](#)

24 Jul 2019, Health

The complainant requested information from the Royal Free London NHS Foundation Trust (“the Trust”) about the creation of a wholly-owned subsidiary property service company. The Trust disclosed some correspondence to the complainant. It withheld some correspondence as being out of scope of the request, and it withheld some correspondence under section 36(2) – prejudicial to the effective conduct of public affairs. The Trust also disclosed some reports and minutes to the complainant, but withheld some information under section 43(2) – prejudicial to commercial interests. The Commissioner’s decision is that the Trust correctly withheld some correspondence as being out of scope of the request, and correctly withheld some correspondence under section 36(2). The Commissioner has also determined that the Trust correctly withheld some reports and minutes under section 43(2). However, the Trust failed to consider email attachments for disclosure as part of the bundle of correspondence, thereby breaching the requirements of section 1(1) of the FOIA. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: issue a response to the complainant in respect of any attachments to the correspondence in the emails bundle (as explained in this notice) which complies with the procedural sections of the FOIA. Information Tribunal appeal EA/2019/0290 under appeal. FOI 43(2): Complaint not upheld FOI 1(1): Complaint upheld FOI 36: Complaint not upheld

[Decision notice FS50774281](#)

### [General Medical Council](#)

17 Jul 2019, Health

The complainant has requested information relating to the GMC’s decision to appeal the Medical Practitioners Tribunal (MPT) decision on a particular case. The GMC responded refusing to disclose the requested information citing section 42 of the FOIA. The Commissioner’s decision is that the GMC was incorrect to refuse to disclose the requested information under section 42 of the FOIA. The Commissioner requires the public authority to disclose the information withheld under section 42 FOIA.

FOI 42: Complaint upheld

[Decision notice FS50794284](#)

### [Airedale NHS Foundation Trust](#)

15 Jul 2019, Health

The complainant has requested information relating to numbers of Downs Syndrome births. The Airedale NHS Foundation Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner’s decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0285 under appeal.

FOI 40: Complaint not upheld

[Decision notice FS50840778](#)

### [Northern Ireland Ambulance Service](#)

15 Jul 2019, Health

The complainant has requested information from the Northern Ireland Ambulance Service (NIAS) regarding a recruitment process. The NIAS has not to date provided a response to the

complainant's request. The Commissioner's decision is that the NIAS has breached sections 1(1)(b) and 10(1) of FOIA. The Commissioner requires the NIAS to take the following steps to ensure compliance with the legislation. To provide a full response to the complainant's request The NIAS 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 not upheld FOI 1: Complaint not upheld

[Decision notice FS50847967](#)

#### [University Hospitals of Morecambe Bay NHS Foundation Trust](#)

12 Jul 2019, Health

The complainant has requested information relating to University Hospitals of Morecambe Bay NHS Trust. The Commissioner's decision is that NHS Improvement (NHSI) has correctly applied section 14(1) of the FOIA to this request. The Commissioner does not require the public authority to take any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0284 under appeal.

FOI 14: Complaint not upheld

[Decision notice FS50800552](#)

#### [Leeds Teaching Hospitals NHS Trust](#)

12 Jul 2019, Health

The complainant has requested information relating to the Leeds Teaching Hospitals Trust (the trust) proposals to implement a Wholly Owned Subsidiary Company (WOSC) and transfer certain services to it. The trust disclosed some information but refused to disclose other information citing sections 36(2)(b) and (c) and 43 of the FOIA. The Commissioner's decision is that the trust is entitled to withhold the remaining withheld information under section 36(2)(b)(ii) of the FOIA. She therefore does not require any further action to be taken.

FOI 36: Complaint not upheld

[Decision notice FS50761311](#)

#### [Betsi Cadwaladr University Health Board](#)

12 Jul 2019, Health

The complainant has requested various email correspondence of five named individuals in respect of his late mother and his complaint to Betsi Cadwaladr University Health Board. The Health Board provided some information but refused other elements citing section 42(1) of the FOIA on the basis that it was protected by Legal Professional Privilege (LPP). The Commissioner's decision is that Betsi Cadwaladr University Health Board has complied with its obligations under section 1(1). However, the information withheld under section 42(1) constitutes the personal information of the complainant and is therefore exempt under section 40(1).

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

[Decision notice FS50783674](#)

#### [South East Coast Ambulance Service Foundation Trust](#)

11 Jul 2019, Health

The complainant has requested information relating to suspected illegal drug use. The South East Coast Ambulance Service NHS Foundation Trust (the Trust) refused to provide the requested



information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 40: Complaint not upheld

[Decision notice FS50804762](#)

### [Birmingham Childrens Hospital NHS Foundation Trust](#)

9 Jul 2019, Health

The complainant requested information regarding social care payments. The Commissioner's decision is that Birmingham Children's Trust failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation: issue a substantive response, under the FOIA, to the request.

FOI 10: Complaint upheld

[Decision notice FS50843890](#)

### [General Medical Council](#)

8 Jul 2019, Health

The complainant requested information from the General Medical Council ("GMC") relating to any investigation which may have been carried out into a named doctor. The GMC stated that under section 40(5B)(a)(i) of the FOIA it was not obliged to confirm or deny whether it held the requested information, as to do so would disclose the personal data of a third person in breach of the first principle of the Data Protection Act 2018. The Commissioner's decision is that the GMC correctly relied on section 40(5B)(a)(i) of the FOI to refuse to confirm or deny whether it held information falling within the scope of the request. The Commissioner does not require the GMC to take any steps as a result of this decision notice. Information Tribunal appeal EA/2019/0272 under appeal.

FOI 40(5B)(a)(i): Complaint not upheld

[Decision notice FS50808544](#)

### [Partners of Parbold Surgery](#)

5 Jul 2019, Health

The complainant has requested copies of contracts held with the commissioners of services from two specific years. The Commissioner's decision is that the partners of Parbold Surgery do not hold further information beyond that which has already been provided. The Commissioner does not require the Surgery to take any further steps in respect of this complaint. Information Tribunal appeal EA/2019/0280 under appeal.

FOI 1: Complaint not upheld

[Decision notice FS50818705](#)

### [NHS England](#)

3 Jul 2019, Health

The complainant has requested declaration of interest form and/or NHS interests register form for four named individuals. NHS England refused to confirm or deny whether the requested information was held under section 40(5) FOIA. The Commissioner considers that NHS England

was correct to refuse to confirm or deny whether the requested information was held under section 40(5) FOIA. The Commissioner requires no steps to be taken.

FOI 40(5): Complaint not upheld

[Decision notice FS0826061](#)

#### [Health and Social Care Business Services Organisation](#)

2 Jul 2019, Health

The complainant requested information relating 11 practices grouped together as [named dental group]. In particular he requested the amount paid by HSCBSO for the practice allowance and whether the practice allowance was paid at 4% or 11%. HSCBSO refused to disclose the requested information under section 40(2) FOIA. The Commissioner considers that HSCBSO correctly applied section 40(2) FOIA. The Commissioner requires no steps to be taken.

FOI 40: Complaint not upheld

[Decision notice FS50803792](#)

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

2 Jul 2019, Health

The complainant has made a request for information relating to Sexual Assault Referral Centres. The Commissioner's decision is that NHS England has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. Since the request has now been responded to, the Commissioner does not require NHS England to take any further steps in relation to this complaint

FOI 10: Complaint upheld

[Decision notice FS50838928](#)

#### [United Lincolnshire Hospitals NHS Trust](#)

2 Jul 2019, Health

The complainant has made a request for information relating to United Lincolnshire Hospitals NHS Trust's (the Trust) contract with ParkingEye. Despite the intervention of the Commissioner, the Trust has not provided a response to the request in accordance with the FOIA. The Commissioner's decision is that the Trust has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA. The Commissioner requires the Trust to provide the complainant with a response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50846872](#)

### **DECISION NOTICES**

**Keyword: Adult Social Care (returned 0 in total)**

**1 July – 30 September 2019**

A keyword search for Adult Social Care returned no decision notices for quarter two 2019/20.