

FREEDOM OF INFORMATION ACT (2000) ANNUAL REPORT 2020-21

Report

1. Introduction

- 1.1 This report provides an overview of the work undertaken during the financial year 2020-21 in meeting the requirements of the Freedom of Information Act (2000).
- 1.2 The Freedom of Information Act (2000) provides access to information held by public authorities. This is delivered in two ways:
 - Public authorities are obliged to publish certain information about their activities through a Publication Scheme usually on their website.
 - Members of the public are entitled to request information from public authorities.
- 1.3 The Act covers any recorded information that is held by a public authority in the UK, including printed documentations, computer files, letters, email, photographs, sound, or video recordings. Printed documentation can be either handwritten or electronic.
- 1.4 The Act does not give people access to their own personal data such as their health records. However these may be requested via “Subject Access Requests” under the Data Protection Act 2018.
- 1.5 All FOI requests received by the Trust are acknowledged automatically and then manually logged within 2 working days.
- 1.6 The Trust has a legal duty to reply to any request made under the Act within 20 working days counting from the first working day after the request is received. Anyone, anywhere in the world can make a request under the Act. The Trust can refuse to reply to the request as long as it can justify the reason based on 23 exemptions outlined in the Act.
- 1.7 The Information Commissioner’s Office (ICO) has a general duty to investigate complaints from members of the public if they believe that the Trust has failed to respond correctly to a request for information. The ICO’s complaints handling process provides the Trust with an opportunity to reconsider the request without the ICO taking any formal action.

2. FOI Performance for the financial year (April 2020 – March 2021)

- 2.1 The total number of information requests received under the Freedom of Information Act between 1 April 2020 - 31 March 2021 was **337**.

98% of requests were dealt with within the statutory timeframe of 20 working days. An overview is provided in Table 1.

During the previous year (2019-20) the Trust received a total of **371** requests. 96% of responses were sent within the 20-day timescale. The decrease in requests for 2020-21 appears to be due to the Covid 19 pandemic, as there was a significant reduction in FOI requests for the first quarter of 2020-21.

The ICO uses a threshold figure of 90% for monitoring FOI compliance, i.e. it expects public authorities to respond to at least 90% of requests on time. The Trust has continued to maintain a consistently high percentage response rate as shown in Table 1 below.

Table 1

1 April 2020– 31 March 2021	Total no of requests received	Requests dealt with within 20 days	Requests outside of 20 days	Percentage on time
Apr – Jun (Q1)	66	66	0	100%
Jul – Sep (Q2)	81	78	3	96%
Oct – Dec (Q3)	98	97	1	99%
Jan – Mar (Q4)	92	90	2	98%
Total	337	331	6	98%

2.2 Category of Requesters

- 2.2.1 Table 2 lists the number of requests by category of requester. Requests for information were usually received by email and came from a variety of sources. Requesters have an obligation to provide their name and address under the Act (an email address is acceptable). Whilst some requesters provide the name of their organisation, the majority only provide a name and an email address. These are listed as “private” in the table below.

Table 2

Category of Requesters	Number of requests received each quarter				Total per category
	Q1 Apr-Jun	Q2 Jul-Sep	Q3 Oct-Dec	Q4 Jan-Mar	
Private	34	25	56	35	150
Commercial organisations	13	24	15	26	78
Media	2	9	3	6	20
Websites dedicated to FOI requests	2	7	8	11	28
Voluntary Organisations/ Campaign Groups/Unions	4	1	2	3	10
Students/Academic institutions	1	4	7	2	14
NHS	2	8	7	6	23
Government/MPs	8	3	0	3	14
Total:	66	81	98	92	337

- 2.2.2 The majority of requests, as in previous years, continue to be from individuals classed as “private”, followed by commercial organisations and websites dedicated to completing FOI requests.

2.3 Types of information requested

- 2.3.1 The subject matter of FOI requests varied considerably and it is difficult to accurately summarise these other than by very broad categories. Table 3 below provides a breakdown of requests received per quarter. It is also often the case that one request would have multiple elements/subject; however for recording purposes, the main subject is used.

Table 3

Category of Requests	Q1	Q2	Q3	Q4	Totals
	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	

Clinical Information	9	21	19	20	69
Information Technology/ Governance	15	14	19	22	70
Workforce	9	10	13	7	39
Patient Safety	3	1	2	1	7
Finance / Procurement	7	10	5	11	33
Estates & Facilities	1	2	8	2	13
Corporate/Communications	11	13	20	23	67
Environmental Information Regulations (EIR)	0	1	0	0	1
COVID	11	9	12	6	38
Total	66	81	98	92	337

2.3.2 Whilst these are very broad categories, the top three were IT/IG, clinical information and corporate matters/communications. Last year the top three categories were clinical information, workforce and IT/IG.

2.4 Internal Reviews and Complaints

2.4.1 One requester was not satisfied with their response and sought an internal review in April 2020. The Trust reviewed the process undertaken and information provided. The requester remained unsatisfied and a complaint to the ICO was made. The Commissioner's decision was that the Trust complied with its obligations under the Act and the complaint was not upheld.

2.5 Exemptions

2.5.1 Disclosure of some of the information requested under the Act may be refused if the information falls under one or more of the 23 exemptions in the Act. More than one exemption can be used within a single request due to requests having multiple strands. Therefore it has not been possible to accurately make comparisons with the number of requests received.

During the year the Trust applied a total of **139** exemptions and these are outlined in Table 4 below.

Table 4

Exemption	Description	Number of times applied	Reason
Section 1	Section 1(1)(a) of the Act requires the public authority to determine whether the information is held	52	Information is not recorded by the Trust
Section 8	Valid Name	2	Full name not provided which is a requirement under the Act
Section 12	The request would exceed the cost limit as defined by the Act.	23	Locating, extracting and retrieving the information would exceed the cost limit
Section 21	Information accessible to applicant by other means	9	Already published as part of the Trust Publication Scheme on the Trust website or on other websites
Section 22	Information intended for future publication	2	Documents in draft form that will be published in the near future

Section 31	Law Enforcement	1	This relates to the prevention or detection of crime, and can protect information on a public authority's systems which would make it more vulnerable to crime
Section 40	Personal information	43	Personal data within the meaning of the Data Protection Act 2018
Section 43(2)	Commercial interests	7	Disclosure could prejudice the commercial interests of the Trust or a third party

2.6 Fees

2.6.1 The fee regulations of the Act indicate that an appropriate limit for processing a request is £450 for NHS organisations. Trusts can charge this fee if they can demonstrate that the cost of processing a request will exceed this limit. In some cases communication costs can also be recovered, such as for photocopying, printing and postage. There were no requests during the year where the Trust was required to recover fees.

2.7 Repeated or Vexatious Requests

2.7.1 There were no requests which were considered to be vexatious during the year.

3. Model Publication Scheme

3.1 The Trust continues to review and revise the content of its publication scheme on the website in line with the ICO's publication scheme as well as targeting the information on the website in line with requests received via the Act.

4. Monitoring of FOI Requests

4.1 The Information Governance Group continues to meet every two months and is chaired by the Medical Director. The IG Group oversees the following regarding delivery of the FOI Act.

- Review of the Trust's FOI performance
- Review of staff awareness regarding FOIs
- Review of the Trust Model Publication Scheme
- Review of the assurance needed to meet the requirements of the IG Toolkit