

Scarborough and Ryedale Clinical Commissioning Group

FREEDOM OF INFORMATION ACT 2000 QUARTER 4 / Year End REQUESTS RECEIVED 1 JANUARY – 31 MARCH 2015

INTRODUCTION

This paper provides an update on the current position of Freedom of Information (FOI) requests made to NHS Scarborough and Ryedale CCG from 1 January to 31 March 2015 and a comparison with year to date in 2013/14.

Requests Received

	Apr – Jun 2014	Jul – Sep 2014	Oct – Dec 2014	Jan – Mar 2015	Year End 2014/2015	Year End 2013/14
Total number of FOI requests received:	43	40	50	54	187	150
Total Number of FOIs Processed	42	40	49	53	184*	149
Requests processed within 20 working days	42	40	49	53	184	147
Requests processed outside 20 working days	0	0	0	0	0	2
Percentage completed within 20 working days	100%	100%	100%	100	100%	99%
Average time taken to process (days)	12.7	14.3	13.7	14.5	13.9	14.5

*SR 181 (Q1) - Closed (no response to clarification), SR 291 (Q3) – Closed (no response to clarification) SR 283 (Q4) – Applicant cancelled request

Summary of Requestors

	Apr – Jun 2014	Jul – Sep 2014	Oct – Dec 2014	Jan – Mar 2015	Year End 2014/2015	Year End 2013/2014
Corporate Companies	13	23	19	15	70	34
Media	8	2	7	6	23	12
MP/Cllrs	5	3	0	3	11	27
NHS/Public Sector/Universities	1	4	5	3	13	72
Public	16	8	19	26	70	5
Total	43	40	50	53	187	150

Emma Parker

Freedom of Information Manager

FOI NEWS

ICO calls for greater transparency around government outsourcing

The ICO has called for a better reflection of the importance of transparency in government outsourcing.

It is estimated that expenditure on outsourced public services accounts for about half of the £187 billion that the government (including the NHS and local government) spends on goods and services, with the local government outsourcing market alone said to be worth £30bn.

In a survey carried out for the ICO, 75% of people said it was important that private companies acting on behalf of public authorities should be subject to the Freedom of Information Act.

The Freedom of Information Act currently allows people to request information held on behalf of a public authority. This can include information held by contractors, but it can be complicated to define precisely what that means in particular cases.

The ICO has produced guidance on outsourcing and transparency, which gives practical guidance for public authorities and which the FOI team can give advice on.

[The 10 things FOI requestors hate most](#)

Although it may be at the bottom of your priority to read what FOI requestors hate most, this article is interesting reading and gives some insight to what not to do in order to avoid having to handle follow up FOI correspondence

**INFORMATION COMMISSIONER'S DECISION NOTICES ISSUED:
HEALTH RELATED**

1 February – 30 April 2015

Barnet Enfield and Haringey Mental Health NHS Trust

30 April 2015, Health (NHS)

The complainant made a freedom of information request to Barnet, Enfield and Haringey Mental Health NHS Trust ("the Trust") for information related to the investigation of an incident which he was involved with whilst visiting a patient at one of the Trust's premises. The Trust refused the request under the exemptions in section 40(2) (personal information) and section 36(2)(b)(ii) (free and frank exchange of views / provision of advice). The Commissioner's decision is that both section 40(2) and section 36 are engaged and that for section 36 the public interest in maintaining the exemption outweighs the public interest in disclosure. The Commissioner also found that one piece of information was exempt under the exemption in section 21 (information accessible by other means). In its handling of the request the Commissioner found that the Trust had identified all of the information it held falling within the scope of the requests but had breached section 10 by failing to respond to the request within 20 working days and section 11(a) by failing to give effect to the complainant's preferred method of communication. The Commissioner requires no steps to be taken.

FOI 21: Not upheld FOI 36: Not upheld FOI 40: Not upheld

[Decision notice FS50552668](#)

[PDF](#)

Bradford City Clinical Commissioning Group (BCCCG)

28 April 2015, Health (Other)

The complainant has requested information about the full details of the rejected Care UK contract bid for the Eccleshill NHS treatment centre that was not renewed and has led to the closure of the centre. BCCCG provided the complainant with some information relevant to the scope of the request but refused to provide a piece of information under section 43 and 44(1)(a) of the Freedom of Information Act 2000 (FOIA). The Commissioner's decision is that the BCCCG correctly applied section 44(1)(a) FOIA in this case. The Commissioner requires no steps to be taken.

FOI 44: Not upheld

[Decision notice FS50564659](#)

[PDF](#)

Camden and Islington Foundation NHS

1 April 2015, Health (NHS)

The complainant has requested information in relation to a previous information request he made dated 24 April 2014 and subsequent complaints and investigations flowing from that request. Camden & Islington NHS Foundation Trust responded to the complainant but it did not do so within the statutory time for compliance. The Commissioner's decision is that Trust has breached section 10 in the handling of this request. The Commissioner requires no steps to be taken.

FOI 10: Upheld

[Decision notice FS50571348](#)

[PDF](#)

Lancashire North Clinical Commissioning Group

19 March 2015, Health (NHS)

The complainant made a request to Lancashire North Clinical Commissioning Group (LNCCG) for communications between former North Lancashire Teaching Primary Care Trust (NLTPCT) directors and Monitor and the Care Quality Commission in 2010 and whether these were provided to the Morecambe Bay Investigation. The Commissioner's decision is that LNCCG did not hold the legacy information. However, the public authority provided its responses outside the statutory 20 working days and has therefore breached section 10(1) of the FOIA.

FOI 1: Not upheld FOI 10: Upheld

[Decision notice FS50566296](#)

[PDF](#)

Countess of Chester Hospital

12 March 2015, Health (Other)

The complainant made a series of 16 requests to the Countess of Chester Hospital (the Hospital) between the 2 July 2014 and 8 August 2014 in respect of the use of a particular laxative, Movicol, in the treatment of children under five years old. The Hospital provided some information, relied on section 40(2) – personal information, to withheld information on the number of children under five treated with the drug over a given period and denied holding other information. The complainant has complained to the Commissioner about the responses to three of these requests. These include the refusal to provide her with statistics on the use of the drug on under-fives and two requests for information about the risks assessment and approval of the drug which the Hospital denies holding. The Commissioner's decision is that the Hospital has dealt with these requests in accordance with the provisions of FOIA. The Commissioner does not require the public authority to take any further action in respect of these requests.

FOI 40: Not upheld

[Decision notice FS50547471](#)

[PDF](#)

Pennine Care Foundation Trust

11 March 2015, Health (Other)

The complainant has requested information contained in a report of an investigation conducted by the HR department and which relates to the care of his late mother. The Pennine Care NHS Foundation Trust (the Trust) provided some information outside the scope of FOIA, but withheld the remainder under section 40(2) – third party personal data. The Commissioner's decision is that the withheld information is exempt under section 40(2). The Commissioner does not require the public authority to take any further action in this matter.

FOI 40: Not upheld

[Decision notice FS50558413](#)

[PDF](#)

Southern Health NHS Foundation Trust

11 March 2015, Health (NHS)

The complainant made a freedom of information request to the Southern Health NHS Foundation Trust “the Trust” for a copy of the user guide for “RiO” its electronic Patient Record System. The Trust refused the request under the section 43(2) (commercial interests) exemption. The Commissioner’s decision is that section 43(2) was correctly applied and the public interest in maintaining the exemption outweighs the public interest in disclosure. The Commissioner requires no steps to be taken.

FOI 43: Not upheld

[Decision notice FS50560264](#)

[PDF](#)

NHS England

5 March 2015, Health (NHS)

The complainant has requested information regarding metal on metal (MoM) hip replacements and whether they were still being used within the NHS following press reports that their use had been stopped. NHS England originally said that it did hold information relevant to his request and attempted to explain the position in respect of MoM hip replacements. It also directed the complainant to another body which it believed held information relevant to his request. At the internal review stage NHS England changed its position and now said that it did not hold the requested information. The Commissioner’s decision is that NHS England does not hold any specific record of whether the use of such implants had been banned. The Commissioner does not require the public authority to take any further action in this matter

FOI 1: Not upheld

[Decision notice FS50553593](#)

[PDF](#)

Calderdale and Huddersfield NHS Foundation Trust

5 March 2015, Health (NHS)

The complainant has requested information relating to an “Outline Business Case” (OBC). The Commissioner’s decision is that Calderdale & Huddersfield NHS Foundation Trust has incorrectly applied section 22(1) of the FOIA in its response to the request. As the information has already been made public the Commissioner does not require the Trust to take any steps as a result of this decision notice.

FOI 22: Upheld

[Decision notice FS50559736](#)

[PDF](#)

Cardiff and Vale University Health Board

3 March 2015, Health (NHS)

The complainant has requested information relating to the number of deaths that occurred on a specific ward for a period of four years. The Commissioner's decision is Cardiff and Vale University Health Board (UHB) has correctly applied section 12(1) of the 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 12: Not upheld

[Decision notice FS50558500](#)

[PDF](#)

South London and Maudsley NHS Foundation Trust

25 February 2015, Health (NHS)

The complainant has requested information in relation to a complaint he made to the Information Commissioner's Office (ICO) relating to a previous request he had made to South London and Maudsley NHS Foundation Trust. The Trust provided the complainant with some information but withheld some information under section 42 FOIA. The Commissioner's decision is that the Trust has correctly applied section 42 FOIA in this case. The Commissioner requires no steps to be taken.

FOI 42: Not upheld

[Decision notice FS50563513](#)

[PDF](#)

Imperial College Healthcare NHS Trust

23 February 2015, Health (NHS)

The complainant has requested information relating to care of her late mother and the staff involved in providing that care. The Imperial College Healthcare NHS Trust (the Trust) refused the request under section 14 on the grounds that it was vexatious. As it previously refused similar requests under section 14, the Trust relied on section 17(6) to remove the obligation to issue a fresh refusal notice. The Commissioner's decision is that the request is vexatious and that therefore the Trust has complied with its obligations under the Act. This decision notice is currently under appeal to the Tribunal.

FOI 14: Not upheld

[Decision notice FS50550081](#)

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