



Humber and North Yorkshire
Health and Care Partnership



**Humber and
North Yorkshire**
Integrated Care Board (ICB)

Freedom of Information (FOI) Quarterly Report

Quarter One 2023/24 covering the period:
1 April to 30 June 2023

Freedom of Information Delivery Manager

Introduction

This report provides the Quarter One position for requests received by NHS Humber and North Yorkshire Integrated Care Board (ICB) under the Freedom of Information Act 2000 (FOIA) during the period 1 April to 30 June 2023 and a comparison against the previous quarter.

Volume of Requests and Timeliness of Responses

As the ICB was not established until 1 July 2022, no comparison against Quarter One from 2022/23 is available for the ICB and it is considered that previous CCG data would not be suitable for comparison, however, the table below shows quarterly comparisons from 1 July 2022 for the ICB.

	Quarter 1 2022/23	Quarter 2 2022/23	Quarter 3 2022/23	Quarter 4 2022/23	Quarter 1 2023/24
Requests Received	Apr- Jun	Jul – Sep	Oct – Dec	Jan – Mar	Apr - Jun
Total number of FOI requests received:	N/A	72	89	120	142
Total Number of FOI Processed	N/A	71*	88*	118*	140**
Number processed within 20 working days	N/A	71	88	118	140
Percentage FOI processed within 20 working days	N/A	100%	100%	100%	100%
Average time taken to process (days)	N/A	14	13	12	12

*Please see previous report for details.

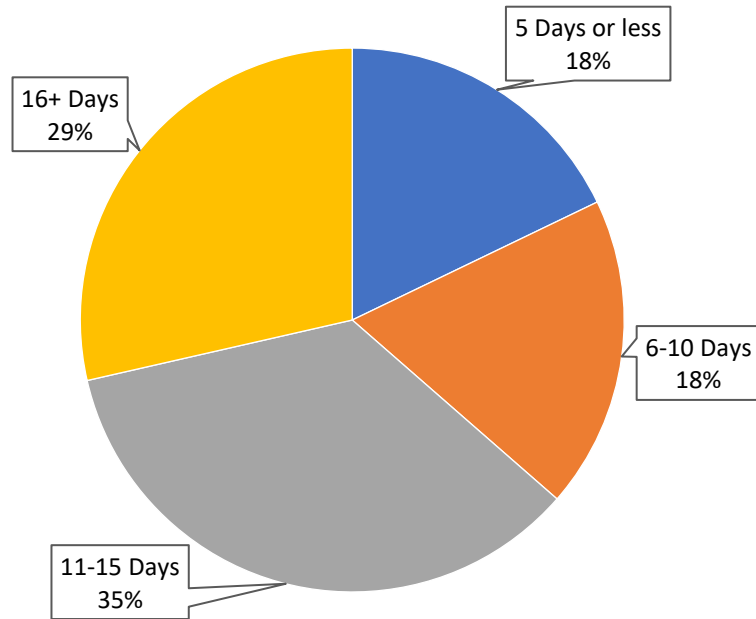
**Clarification was sought for two requests (HNY 0320 and HNY 0334), however, as this was not received within the stipulated timescale of two months, the request was closed.

Response Times

Quarter One 2023/24 has seen an increase of 18.6% in the number of FOIA requests received and processed on the number of requests received and processed in quarter four 2022/23. Yet the average number of days to process the requests has remained the same.

A 100% compliance with the statutory 20-working day timeframe has been maintained throughout quarter four, with an average closure time of 12 days. The chart below illustrates the numbers of days taken to complete FOI requests.

Days Taken to Respond to FOI Requests - Quarter One 2023/24



It is acknowledged that response times continue to be compliant with statutory timescales due to continuing support from colleagues and teams whose capacity has been impacted by their own workloads and organisational changes; and that support is greatly appreciated.

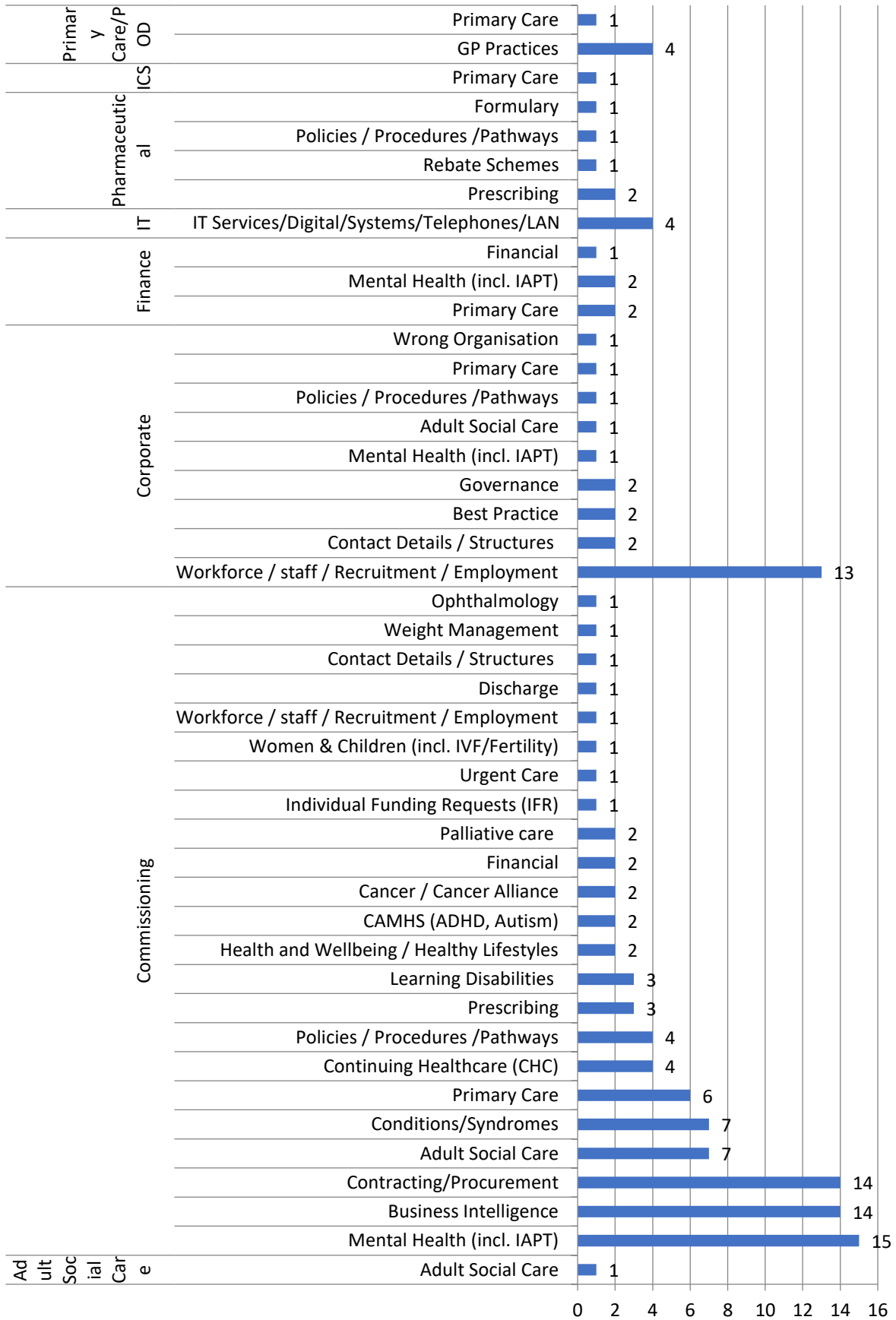
Subject Area of Request

The ICB has received a variety of FOI requests on various topics and in some cases the requests contain multiple questions for various types of information.

The FOI Team regularly review and update reporting parameters to ensure the most relevant information is provided in reports. Incoming FOI requests are recorded under a choice of 9 subject areas and 60 themes, many of which are detailed in the chart below. The requests received are diverse and singular, however, the predominant subject area in Quarter One was mental health commissioning, with a total of 15 requests, followed by requests relating to business intelligence and contracting/procurement, thus proving to be popular topics.

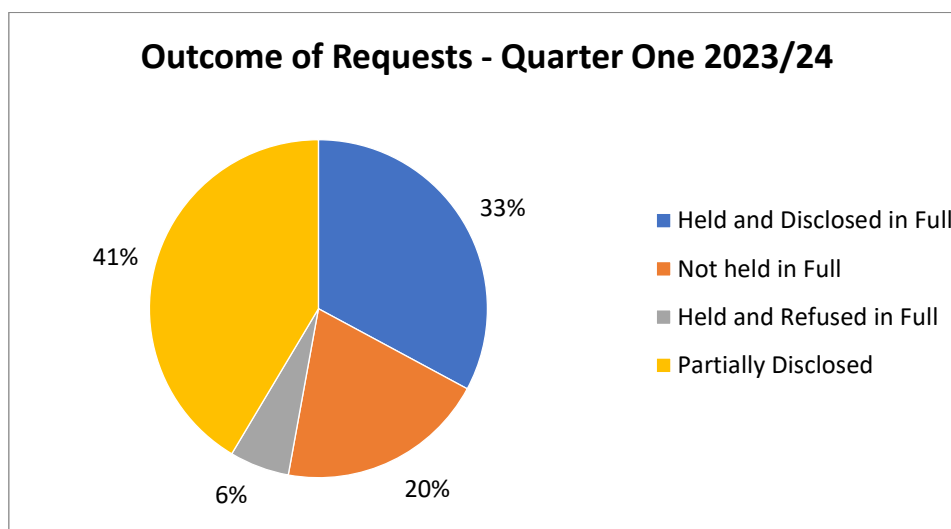
For a full illustration of the various topics for Quarter One please see the chart below:

FOIs by Category - Quarter One 2023/24



Outcome of Requests Processed

The following chart displays the proportion of requests by outcome for Quarter One 2023/24:



During Quarter One, of the 140 requests processed, 28 (20%) sought information that was not held by the ICB. 46 (33%) received information in full, 58 (41%) received part of the information requested as the remainder was either not held by the ICB or withheld as one or more exemptions applied to the request. 8 (6%) were withheld in full as one or more exemptions applied. In total, 36 (26%) of the requests had one or more exemptions applied.

Exemptions

There were 41 exemptions applied in total during the quarter. The most commonly applied exemptions this quarter were Section 21 with 23 instances, followed by Section 40 and Section 12, with 8 and 7 instances respectively. The application of Section 21 demonstrates the ICB is able to redirect requesters to information which is already accessible to the applicant.

The following table illustrates the number of instances information was not disclosed and the exemptions applied during the quarter:

Exemption / Reason for Refusal	Quarter 1
12 - Cost of compliance	7
21 - Accessible by other means	23
22 - Future Publication	2
31 – Law Enforcement	1
40 – Personal Data	8
Total	41

It should be noted that a request can have multiple exemptions applied within the response.

Redirections

The ICB has a duty under Section 16 of the FOIA to provide advice and assistance to individuals making requests for information under the Act. In instances where the ICB does not hold the information requested or when information is accessible by other means, the ICB will advise applicants as to which organisation(s) may hold the information.

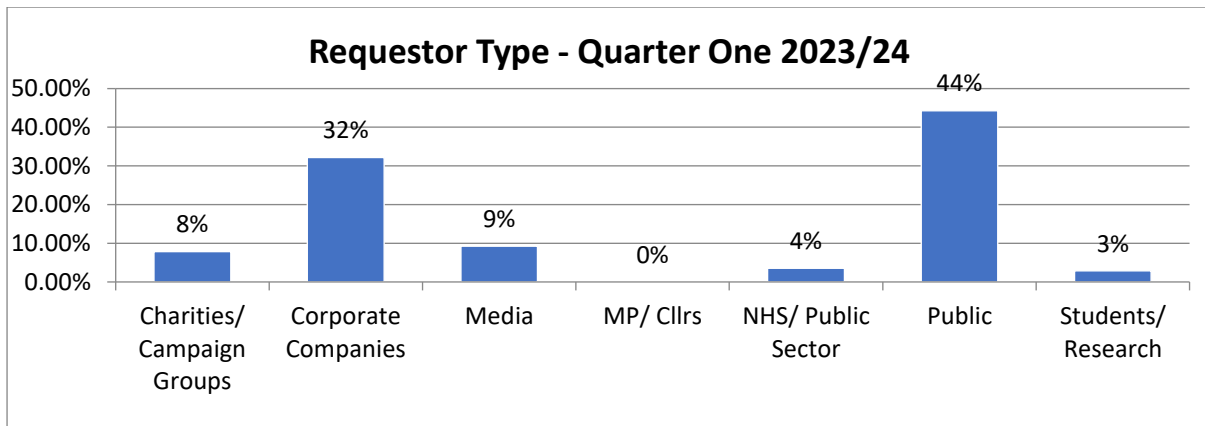
The table below shows which organisations were highlighted as sources of information and on how many occasions during the quarter:

	Quarter 1
NHS-Acute	30
NHS-Mental Health	11
NHS Other	1
NHSE/I	2
GPs	4
Local Authority	5
NHS Digital	0
Independent Sector	12
CSU	0
Other	4
Total	69

Category of Requester

In accordance with the FOIA, the ICB maintains an 'applicant-blind' approach when handling requests and 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 the chart below; the main types of requesters appear to be Individual Members of the Public followed by Corporate Companies during the quarter.



Figures are based on processed/completed requests only.

Internal Reviews

There was one Internal Review request received during Quarter One between 1 April and 30 June 2023, which related to an FOI request that was processed during Quarter Four 2022/23.

The ICB instigated an Internal Review of the response, in particular the application of the Section 43 exemption as requested by the applicant. Section 43(2) exempts information, disclosure of which would, or would be likely to prejudice the commercial interests of any person. Having reviewed the request and the response, the ICB's position remained unchanged, and the application of the section 43 exemption was maintained.

Training

No FOIA specific training sessions were delivered during Quarter One 2023/24. General or specific FOI training is available from the FOI Team on request.

Records Management and Governance

The Section 46 code of practice under FOIA covers good records management practice and the obligations of public authorities under the Public Records Acts to maintain their records in an ordered and managed way, so that information can be readily retrieved when it is needed.

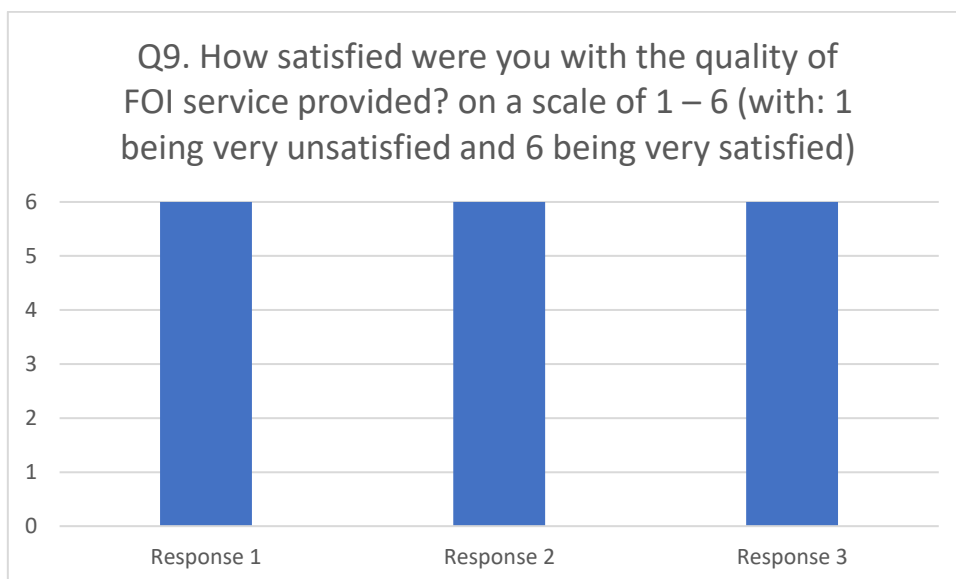
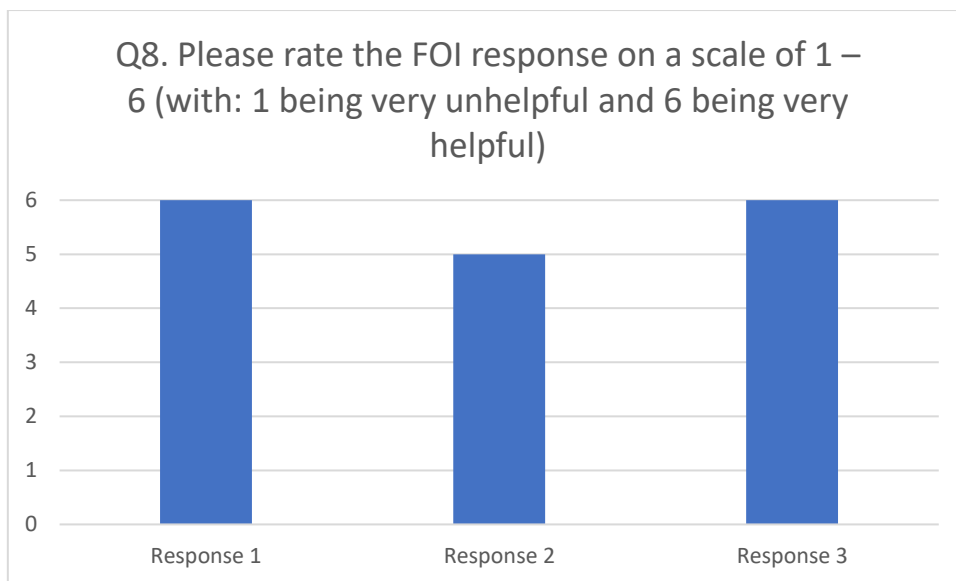
Further to the review of CCGs' historic FOI records as previously reported, and in line with retention schedule recommendations as set out in the latest [NHS Records Management Code of Practice](#), the FOI Team identified a total of 2,697 records/files ranging from 2013/14-2018/19 financial years that were potentially no longer required. As previously agreed, the FOI Team sought and obtained approval from the ICB SIRO for the disposal and destruction of the records identified. Destruction was duly logged on the ICB destruction log as required.

Publication Scheme

A review of the ICB Publication Scheme is due to be undertaken during 2023/24 to review progress from the 2022/23 position. Any subsequent recommendations will be presented to the relevant colleagues.

Customer Feedback

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. Three responses were returned during Quarter One. The questions, scores and responses received are shown in Appendix One. The following charts highlight the responses to two questions regarding the FOI response and the quality of the FOI service:



One survey response included additional feedback: “I wanted the information quickly, so that I could expedite information that is time sensitive. I was hoping that I could get the information (an email address and telephone number) immediately, whereas it took a week.”

This feedback supports the notion that contact details for key departments and/or staff could be made available on the ICB website to aid communication and/or transparency and potentially reduce some of the requests for contact details that the ICB receives.

Reporting

The FOI Code of Practice, issued under section 45 of the FOI Act suggests that public authorities with over 100 Full Time Equivalent (FTE) employees should, as a matter of best practice, publish details of their performance on handling requests for information under the Act on a quarterly basis, in line with central government.

Prior to publication, approval of quarterly reports for publication is sought from the ICB SIRO. Once approved, FOI quarterly reports are published on the ICB website here: <https://humberandnorthyorkshire.icb.nhs.uk/foi/3-what-our-priorities-are-and-how-we-are-doing/>. The publication of each report is highlighted to ICB staff in the electronic staff newsletter(s) with the inclusion of the web link to the latest quarterly report.

Decision Notices - Information Commissioner’s Office (ICO) and News

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

During Quarter One the ICO issued 57 decisions notices to the health sector compared to 96 in the previous quarter. Those of note include:

Section 10 - Failure to respond within 20 working days

In 61% of cases, 35 of the 57 decision notices issued by the ICO during Quarter One to the Health Sector, there was evidence of the public authority having failed to respond to the request in question within 20 working days as specified under FOIA.

Use of Section 40(2)

One decision notice that may be of particular interest is [Decision notice IC-159581-S8Q9](#), where the Commissioner reviewed the authority’s decision to redact names and contact details of signatories of a contract. The Commissioner considered the impact of disclosure. For example, if the data subjects would not reasonably expect their information would be disclosed to the public under the FOIA in response to a request, or if such disclosure would cause unjustified harm, their interests or rights are likely to override the legitimate interests in disclosure. The Commissioner’s guidance explains that where data subjects carry out public functions, hold elective

office or spend public funds they must have the expectation that their public actions will be subject to greater scrutiny than would be the case in respect of their private lives.

In this case the Commissioner considered that the signatories to the contracts could not reasonably expect their names to be withheld. The individuals concerned held very senior positions, with their names being used in their professional capacities as signatories to the contracts. The individuals' names and roles are already in the public domain online albeit not in this specific capacity. The Commissioner considered it unlikely that disclosure in these circumstances would result in harm or distress. The Commissioner considered that the names of the signatories provide confirmation of the importance with which government addressed the procurement as well as the more general public interest in transparency and accountability.

Consequently, the Commissioner's decision in the specific circumstances of this case was that where individuals are at Senior Civil Servant grade or higher, the legitimate interest in disclosure overrides the rights and freedoms of the data subjects as these individuals would not have a reasonable expectation that their names would not be disclosed under an FOI request.

Therefore, the Commissioner determined that there is a sufficient legitimate interest which outweighed the data subjects' fundamental rights and freedoms in respect of their names. The Commissioner therefore considers that there was an Article 6 basis for processing and so the disclosure of this information would be lawful.

The Commissioner therefore found that the section 40(2) exemption was not engaged in regard to the names that were originally withheld. The Commissioner did find that the exemption was engaged with regard to contact details and signatures.

More detail and the latest up to date information can be found on the ICO website at: <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/>

Quarter Summary

In summary, during 1 April to 30 June 2023, the ICB received and processed 140 requests for information under FOIA. In most cases (41%), part of the requested information was disclosed as the remainder was either not held by the ICB or withheld as one or more exemptions applied to the request, whereas information was provided in full in 46 cases (33%). In total, 36 (26%) of the requests had one or more exemptions applied. There were 41 exemptions applied in total during the quarter.

All requests were processed within 20 working days and requests took an average of 12 days to process, with most cases (35%) being processed in 11-15 days.

The ICB processed one Internal Review during Quarter One relating to the previous quarter and the outcome was that the ICB's position remained unchanged, and the application of the section 43 exemption was maintained.

The key learning from the ICO Decision Notices it is suggested that the ICB notes the Commissioner's view on what is considered personal data in relation to senior officials and the expectation that their public actions will be subject to greater scrutiny, than would be the case in respect of their private lives.

Freedom of Information Delivery Manager

Appendix One

Survey Questions	Response 1	Response 2	Response 3
Q1. Thinking about your recent request to us under the Freedom of Information (FOI) Act: How easy to understand did you find the response?	Very good	Good	Very good
Q2. How thoroughly did the response answer your request?	Very good	Very good	Very good
Q3. If you received the response later than 20 working days, were you advised about the delay and kept informed about the progress?	Not applicable	Not applicable	Not applicable
Q4. If the any of the information requested was withheld and/or refused, did you understand which exemption(s) were applied and why?	Not applicable	Not applicable	No
Q5. Did you understand the information provided on: how to request an Internal Review, complain to the ICB and to the Information Commissioner?	Yes	Yes	Yes
Q6. Before submitting your request did you look at information already published on the ICB website?	Yes	Yes	Yes
Q7. Was the Freedom of Information contact email address easy to find on the website?	Yes	Not applicable	Yes
Q8. Please rate the FOI response on a scale of 1 – 6 (with: 1 being very unhelpful and 6 being very helpful)	6	5	6
Q9. How satisfied were you with the quality of FOI service provided? on a scale of 1 – 6 (with: 1 being very unsatisfied and 6 being very satisfied)	6	6	6
Q10. We are keen to ensure our service is user friendly and value all feedback and ideas or suggestions on how we might improve. Please comment below:	-		-

Appendix Two

DECISION NOTICES
Health Sector Related (57 in total)
Search for keywords: Adult Social Care (0)
1 April to 30 June 2023

[University College London Hospital NHS Foundation Trust](#)

29 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-236595-V4J5](#)

[Countess of Chester Hospital](#)

26 Jun 2023, Health

The complainant requested information relating to physical assaults on staff. Countess Of Chester Hospital NHS Foundation Trust has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a substantive response to this request in accordance with its obligations under FOIA within 35 calendar days.

FOI 10: Complaint upheld

[Decision notice IC-235341-Y6K8](#)

[Health Care First Partnership](#)

26 Jun 2023, Health

The complainant has requested HCFP to disclose information relating to its Acceptable Email User Policy. HCFP disclosed some information but refused to comply with questions 1 and 2 of the request, as it considered section 12 of FOIA applied. The Commissioner's decision is that HCFP is entitled to rely on section 12 of FOIA. However, HCFP breached section 16 of FOIA. The Commissioner requires HCFP to provide appropriate advice and assistance to the complainant, so far as it reasonably practicable, in accordance with its obligations under section 16 of FOIA.

FOI 12: Complaint not upheld FOI 16: Complaint upheld

[Decision notice IC-221927-Q8T3](#)

[NHS England](#)

23 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with

a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-236221-Q6Z8](#)

[NHS England](#)

23 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-237059-C8B6](#)

[NHS England](#)

23 Jun 2023, Health

The complainant has requested a comparative list of Accident & Emergency departments in England in 2010 and to date with information on the services they provide. NHS England stated the information was not held. The Commissioner's decision is that the requested information is not held by NHS England and it as complied with its obligations under section 1 of FOIA. The Commissioner does not require further steps.

FOI 1: Complaint not upheld

[Decision notice IC-228178-W1K1](#)

[Cardiff and Vale University Health Board](#)

22 Jun 2023, Health

The complainant requested information from Cardiff and Vale University Health Board ("the Health Board") relating to two reviews, one produced by the Royal College of Surgeons (RCS) and one by a firm of solicitors appointed by the Health Board. The Health Board provided some information within scope of the request, denied holding some of the requested information and withheld other information within the scope of the request under section 40 of FOIA (personal information) and section 42 of FOIA (legal professional privilege). The Commissioner's decision is that: on the balance of probabilities, the Health Board does not hold any further information within the scope of parts 2a-2d of the request or parts 5b - 5d of the request beyond that which it has already disclosed; the Health Board is not entitled to rely on section 40 to withhold the information requested in part 2e of the request; the Health Board is entitled to rely on section 42 to withhold the information requested in part 5a of the request. The Commissioner requires the Health Board to disclose the information requested in part 2e of the request to ensure compliance with the legislation.

FOI 42: Complaint not upheld FOI 40: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-200454-F0T4](#)

[NHS England](#)

19 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-234131-F1V5](#)

[NHS England](#)

19 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-238956-Q0Y8](#)

[Northern Ireland Ambulance Service](#)

19 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-234007-M7T7](#)

[London Ambulance Service NHS Trust](#)

13 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-237930-L6T7](#)

[NHS England](#)

12 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-233509-Q6D8](#)

[NHS England](#)

9 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-233041-K7F4](#)

[Oxford University Hospitals NHS Foundation Trust](#)

9 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-232961-R9B0](#)

[St Neots Surgery](#)

9 Jun 2023, Health

The complainant has requested information associated with the death of their relative. The Commissioner finds that St Neots Surgery ('the Surgery') doesn't hold the requested autopsy report and complied with section 1(1) of FOIA in respect of that report and two other reports the complainant requested. However, the Surgery disclosed some of the requested statistical information for the period 2018 to 2021 and advised it didn't hold earlier information. It has now identified it holds further relevant statistical information for the period from 2013/2014. The Commissioner's final decision is therefore that the Surgery has breached section 1(1) of FOIA as it hasn't communicated all the relevant information it holds. The Surgery responded to the request outside the 20-working day requirement and so also breached section 10(1). The Commissioner requires the Surgery to take the following step to ensure compliance with the legislation: Provide the complainant with the further relevant statistical information it has identified it holds for the period from 2013/2014. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0296 under appeal.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-233252-S3V3](#)

[NHS England](#)

8 Jun 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with

a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-232823-R5B9](#)

[NHS England](#)

7 Jun 2023, Health

The Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to provide a response within 20 working days.

FOI 10(1): Complaint upheld

[Decision notice IC-232530-L1G5](#)

[Medicines and Healthcare Products Regulatory Agency](#)

6 Jun 2023, Health

The complainant has requested information about "yellow card" reporting on Covid-19 vaccinations. The above public authority relied on section 12 of FOIA (cost of compliance) to refuse the request. The Commissioner's decision is that the public authority has failed to demonstrate that section 12 of FOIA is engaged and consequently is not entitled to rely on this exemption to refuse the request. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Issue a fresh response, to the request, that does not rely on either section 12 or section 14 of FOIA. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0329 under appeal. Keywords/themes: failure to provide submissions

FOI 12: Complaint upheld

[Decision notice IC-227913-Q0F9](#)

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

6 Jun 2023, Health

The complainant requested a copy of the full external CCN report from Swansea Bay University Health Board ('the public authority'). By the date of this notice the public authority had not issued a substantive response to this request. The Commissioner's decision is that the public authority has breached section 10(1) of 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 public authority to take the following step to ensure compliance with the legislation. The public authority must provide a substantive response to the request in accordance with its obligations under FOIA. The public authority 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 FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-232569-D1Q2](#)

[UK Health Security Agency](#)

2 Jun 2023, Health

The complainant has requested information relating to an outbreak of E.coli. The UK Health Security Agency (UKHSA) refused to provide the information, citing section 22 of FOIA – future publication. The Commissioner’s decision is that the UKHSA correctly applied section 22 of FOIA to parts 1-7 of the request. However, regarding parts 8, 9 and 10, the UKHSA has breached section 10 of FOIA. The Commissioner does not require further steps.

FOI 10: Complaint upheld FOI 22: Complaint not upheld

[Decision notice IC-216290-R9T1](#)

[Sussex Partnership NHS Foundation Trust](#)

31 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-230137-P6T1](#)

[Essex Partnership University NHS Foundation Trust](#)

25 May 2023, Health

The complainant has requested information about complex care pathways. The above public authority refused the request as vexatious. The Commissioner’s decision is that the request was not vexatious and therefore the public authority was not entitled to rely on section 14(1) of FOIA to refuse it. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: provide a fresh response, to the request, that does not rely on section 14(1) of FOIA. Keywords: disability

FOI 14: Complaint upheld

[Decision notice IC-230906-Q7K2](#)

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

24 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-228856-N7D2](#)

[St Helens & Knowsley Teaching Hospitals NHS Trust](#)

24 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-228860-T8T9](#)

[NHS England](#)

24 May 2023, Health

The complainant has requested the public authority to disclose cancer statistics for the local authority area of Plymouth and the Plymouth Cancer Centre, broken down by the first half of a postcode. The public authority disclosed some information but refused to disclose the remainder citing section 22 and 40 of FOIA. The Commissioner's decision is that the public authority is not entitled to rely on section 22 and 40 of FOIA. The Commissioner requires the public authority to disclose all remaining withheld information to the complainant for the entire timeframe specified in the original request. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0304/GDPR struck out.

FOI 40: Complaint upheld FOI 22: Complaint upheld

[Decision notice IC-190540-S0T4](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

24 May 2023, Health

The complainant requested from Liverpool University Hospitals NHS Foundation Trust ("the Trust") the minutes from various committee meetings. The Trust disclosed the requested committee meeting minutes but withheld some information contained within the minutes citing section 40(2) (personal information) and section 43(2) (commercial interests) of the FOIA as its basis for doing so. The Commissioner's decision is that the Trust is not entitled to rely on section 40(2) to withhold any information. He finds that the Trust is entitled to rely on section 43(2) to withhold some information contained within the requested meeting minutes. However, some of the withheld information does not engage section 43(2). The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation. The Trust must disclose the information withheld under section 40(2) of the FOIA. It must also disclose the information withheld under section 43(2) detailed within the annex below. 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 FOIA and may be dealt with as a contempt of court. Information Tribunal FTT EA/2023/0270 under appeal.

FOI 43(2): Complaint partly upheld FOI 40(2): Complaint upheld

[Decision notice IC-216510-J9B2](#)

[UK Health Security Agency](#)

23 May 2023, Health

The complainant has requested information on the settlement agreement between the UK Government and the vaccine company Valneva SE. The Commissioner's decision is that UKHSA is entitled to rely on FOIA section 43(2) – commercial interests, to withhold the information and the public interest favours maintaining the exemption. The Commissioner does not require further steps.

FOI 43: Complaint not upheld

[Decision notice IC-187480-X7T7](#)

[NHS England](#)

19 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-228177-Q0T3](#)

[NHS England](#)

18 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-227733-T6X8](#)

[Partners of Mount Pleasant Medical Centre](#)

18 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-227739-D6F2](#)

[Medicines and Healthcare Products Regulatory Agency](#)

18 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-226277-L5J3](#)

[Liverpool Heart and Chest Hospital NHS Foundation Trust](#)

18 May 2023, Health

The complainant has requested a report on patient deaths. The above public authority disclosed some of the report but relied on section 41 (breach of confidence) of FOIA to withhold the remainder. The Commissioner's decision is that the public authority has correctly relied on section 41 of FOIA to withhold the information. The Commissioner does not require further steps to be taken. Keywords: breach of confidence after death

FOI 41: Complaint not upheld

[Decision notice IC-227096-L5V5](#)

[NHS England](#)

18 May 2023, Health

The complainant has requested information from NHS England in relation to the number of places available for CT1 anaesthetics, along with the number of applicants. NHS England refused to provide the requested information, explaining that the information is published every year and cited section 22 of FOIA – information intended for future publication. The Commissioner's decision is that NHS England has correctly applied section 22(1) of FOIA. The Commissioner does not require any steps to be taken as a result of this decision notice.

FOI 22: Complaint not upheld

[Decision notice IC-225453-W7L4](#)

[UK Health Security Agency](#)

17 May 2023, Health

The complainant has requested information on the contract signed by the government with Pfizer to supply COVID-19 vaccinations. UKHSA provided redacted copies of contracts between the two parties and relied on FOIA sections 43(2) – Commercial interests, and section 40(2) – Personal information, to withhold the redacted information. The Commissioner's decision is that UKHSA correctly applied section 43(2) and the public interest favours maintaining the exemption. However, he finds that section 40(2) is partially upheld. The Commissioner requires UKHSA to take the following steps to ensure compliance with the legislation. Disclose the redacted names set out in the confidential annex. 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 43(2): Complaint not upheld FOI 40(2): Complaint partly upheld

[Decision notice IC-159581-S8Q9](#)

[Chelsea and Westminster NHS Foundation Trust](#)

16 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-225682-C2Z6](#)

[Chelsea and Kensington Hospitals NHS Trust](#)

16 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-226856-C0B1](#)

[NHS England](#)

15 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-225289-N7K4](#)

[Partners of Mount Pleasant Medical Centre](#)

15 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-225525-R5C7](#)

[Medicines and Healthcare Products Regulatory Agency](#)

15 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-227828-C4M3](#)

[Partners of Mount Pleasant Medical Centre](#)

12 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-232074-L6T4](#)

[Partners of Mount Pleasant Medical Centre](#)

12 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-232056-C5N6](#)

[UK Health Security Agency](#)

11 May 2023, Health

The complainant has requested information from the UK Health Security Agency (“UKHSA”) in relation to overseas territories being included in the vaccine damage act and vaccine damage compensation scheme, specifically for the arrangements coordinated with Gibraltar. The UKHSA withheld the information, citing section 43(2) of FOIA – commercial interests. The Commissioner’s decision is that the withheld information engages section 43(2) and that the public interest lies in maintaining the exemption. The Commissioner does not require any steps as a result of this decision notice.

FOI 43(2): Complaint not upheld

[Decision notice IC-187764-L1V5](#)

[Partners of Watership Down Health](#)

10 May 2023, Health

The complainant has requested various information. The above public authority provided some information. The Commissioner’s decision is that the public authority has provided all the information that it holds in recorded form and has therefore complied with its obligation under section 1(1) of FOIA. The Commissioner does not require further steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-225355-L0Y0](#)

[General Medical Council](#)

10 May 2023, Health

The complainant has requested the General Medical Council (GMC) to disclose the legal advice that it received on the matter of definition(s) to be used by the GMC in response to allegations of antisemitism by UK registered doctors. The GMC refused to disclose the information, citing section 42 of FOIA. The Commissioner's decision is that the GMC is entitled to refuse to disclose the withheld information in accordance with section 42 of FOIA. He does not require any further action to be taken. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0289 under appeal.

FOI 42: Complaint not upheld

[Decision notice IC-204954-N6R0](#)

[Medicines and Healthcare Products Regulatory Agency](#)

4 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-225790-T2X0](#)

[Northern Ireland Ambulance Service](#)

2 May 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-224292-S3Z2](#)

[Medicines and Healthcare Products Regulatory Agency](#)

25 Apr 2023, Health

The complainant requested from the Medicines and Healthcare Products Regulatory Agency, ('the MHRA'), information relating to decisions and statements made about COVID 19 vaccines. The MHRA initially sought to respond to the complainant's request by providing links to information already published within the public domain. The complainant, however, argued that the MHRA did not disclose the data and evidence which supports the statements which they highlighted in their request. During the course of the Commissioner's investigation, the MHRA changed its position to apply section 14(1) to refuse to respond to the request further. The Commissioner's decision is that the MHRA was correct to apply section 14(1) to refuse to respond to the request. The Commissioner does not require the MHRA to take any steps.

FOI 14: Complaint not upheld

[Decision notice IC-197426-F8V9](#)

[Medicines and Healthcare Products Regulatory Agency](#)

24 Apr 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-220966-Q5X5](#)

[London Ambulance Service NHS Trust](#)

24 Apr 2023, Health

The Commissioner's decision is that, on the balance of probabilities, the Trust does not hold the requested information about applications to work at the World Cup and has complied with section 1(1)(a) of FOIA. It is not necessary for the Trust to take any corrective steps.

FOI 1: Complaint not upheld

[Decision notice IC-218534-C4F5](#)

[Royal Free London NHS Foundation Trust](#)

21 Apr 2023, Health

The complainant has requested information about a product manufactured at the Royal Free London NHS Foundation Trust's ("the Trust") Centre for Cell, Gene and Tissue Therapeutics. The Trust provided information for request [3] and stated no information was held for request [6] but refused the remaining requests under section 43(2) of FOIA. The Commissioner's decision is that the Trust has correctly engaged the exemption in relation to requests [4] and [5] and the public interest favours maintaining the exemption and withholding the information. In relation to requests [1], [2] and [7] the Commissioner has found the section 43(2) exemption is not engaged. The Commissioner requires the Trust to disclose the information requested at parts [1], [2] and [7].

FOI 43: Complaint partly upheld

[Decision notice IC-195519-T0X4](#)

[NHS South East London ICB](#)

20 Apr 2023, Health

The complainant made an 11-part request for information regarding the proposed re-opening of a medical facility. The above public authority denied holding any information within the scope of the request. The Commissioner's decision is that the public authority did hold information within the scope of element [1], but, on the balance of probabilities, did not hold information within the scope of any other element at the point the request was responded to. The Commissioner requires the

public authority to take the following steps to ensure compliance with the legislation. Either disclose the “indicative budget” figure that it provided to the Commissioner or issue a refusal notice that complies with section 17 of FOIA.

FOI 1: Complaint partly upheld

[Decision notice IC-179198-D3S0](#)

[NHS England](#)

18 Apr 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-227670-P4S0](#)

[MHRA](#)

18 Apr 2023, Health

The complainant has requested information relating to the covid-19 vaccines. The MHRA refused to comply with the request, citing section 14(1) (vexatious requests). The Commissioner’s decision is that the request was vexatious, in that to deal with the request would cause the MHRA a grossly oppressive burden. However, the MHRA breached section 17 (refusal of request). The Commissioner does not require further steps.

FOI 17: Complaint upheld FOI 14: Complaint not upheld

[Decision notice IC-218885-P4X8](#)

[Sussex Partnership NHS Foundation Trust](#)

14 Apr 2023, Health

The complainant has requested information about leases. Having first withheld the information because it was either not complete or was commercial and confidential, Sussex Partnership NHS Foundation Trust (‘the Trust’) subsequently confirmed that it is withholding the information under section 22, which concerns information intended for future publication. Based on the Trust’s submission to him, the Commissioner’s decision is that section 22(1) of FOIA is not engaged. In addition, the Trust’s refusal of the request did not meet the requirements of section 17 of FOIA. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: Disclose to the complainant the “head” and “sub” lease for the Medical Centre and the “Agreement for Leases” that they requested, with any personal data redacted as appropriate.

FOI 17: Complaint upheld FOI 22: Complaint upheld

[Decision notice IC-206419-Z1T3](#)

[Walsall Healthcare NHS Trust](#)

12 Apr 2023, Health

The public authority has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-210385-M6X6](#)

[NHS England](#)

12 Apr 2023, Health

The complainant has requested information from NHS England for the recorded minutes for the UK IPC cell from 23 January 2020. NHS England advised it holds the requested information, however, it was relying on section 12 of FOIA – cost of compliance exceeds the appropriate limit. The Commissioner’s decision is that NHS England is entitled to refuse to comply with the request in accordance with section 12(1) of FOIA. NHS England has also complied with section 16 of FOIA – advice and assistance. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 12(1): Complaint not upheld FOI 16: Complaint not upheld

[Decision notice IC-212551-K6Z1](#)

[Care Quality Commission](#)

12 Apr 2023, Health

The complainant requested copies of specific audit review reports. The Care Quality Commission (the CQC) withheld the information under sections 31 (law enforcement) and 40(2) (personal data) of the FOIA. In their internal review, the complainant refined their request to one specific audit report. The CQC maintained that the one report was exempt under sections 31 and 40(2). During the course of the Commissioner’s investigation, the CQC also relied on sections 36(2)(b)(i) and (ii) (prejudice to the effective conduct of public affairs) to withhold the information. The Commissioner’s decision is that the CQC correctly applied section 31 to the withheld information. The Commissioner does not require any steps to be taken.

FOI 31: Complaint not upheld

[Decision notice IC-211965-Q1P2](#)