



Humber and North Yorkshire
Health and Care Partnership



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

Freedom of Information (FOI) Quarterly Report

Year End 2022/23 and Quarter Four
2022/23 covering the period: 1 January to
31 March 2023

Freedom of Information Delivery Manager

Introduction

This report provides the Quarter Four and Year End 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 January to 31 March 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 previous years 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 for the financial year to date from 1 July for the ICB.

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

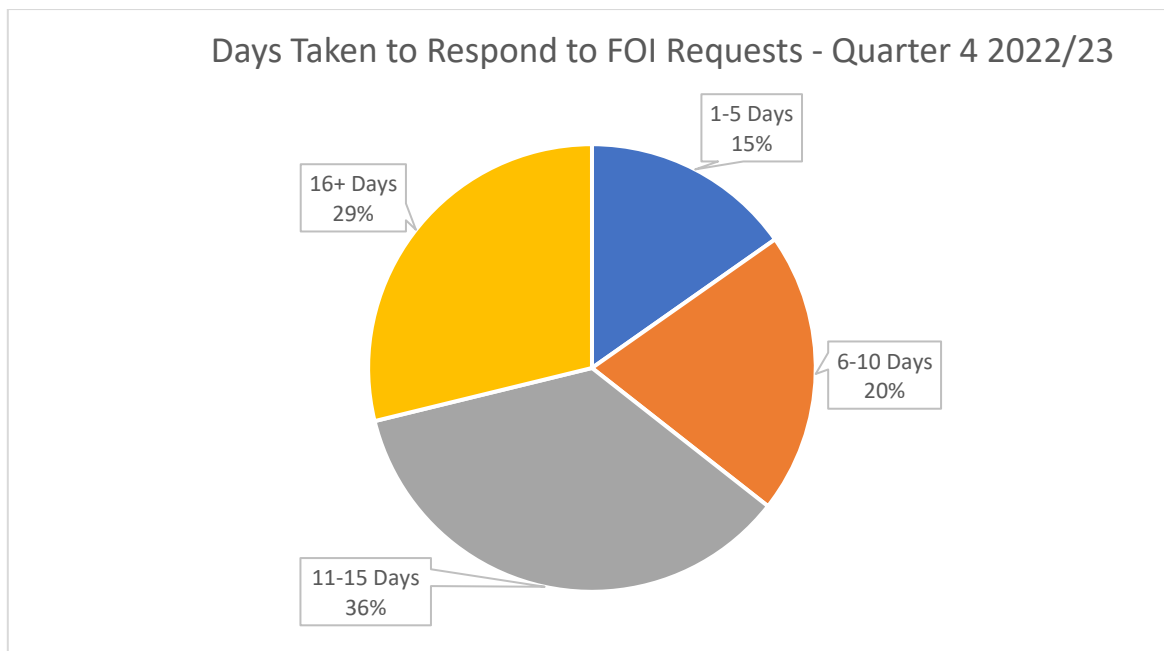
*Please see previous report for details.

**Clarification was sought for one request (HNY 0231), however, this was not received within the stipulated timescale of two months, therefore, the request was closed. A verbal request form was completed with a prospective applicant in line with the ICB's FOI Policy, however, as confirmation of this was not received within two months, the request was also closed.

Response Times

Quarter four 2022/23 has seen an increase of 34% in the number of FOIA requests received and processed on the number of requests received and processed in quarter three 2022/23. Yet the average number of days to process the requests has decreased by 1 day.

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.



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.

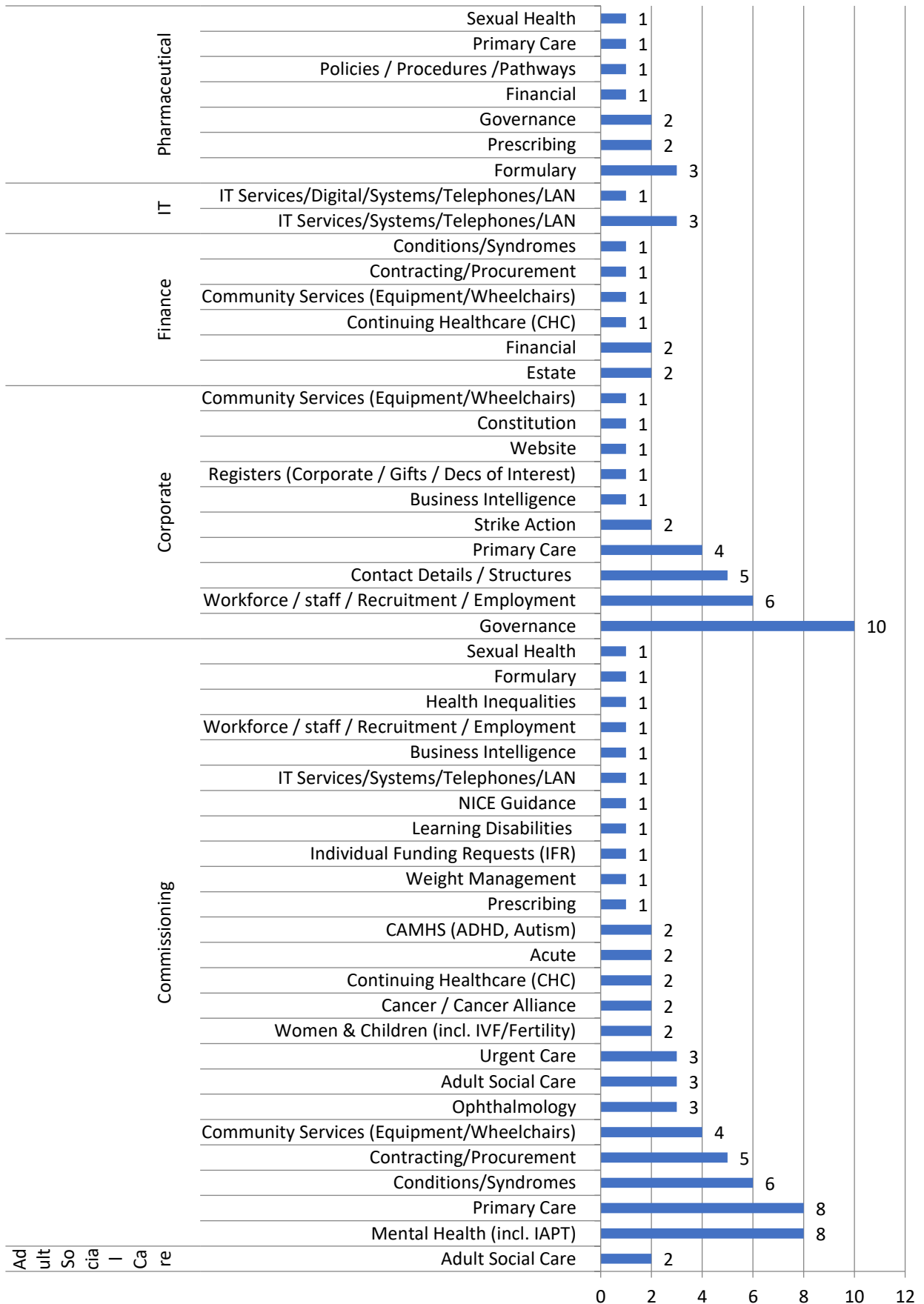
Subject Area of Request

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 8 subject areas and 55 themes, many of which are detailed in the chart below. The requests received are diverse and singular, however, the predominant subject area in quarter four was Corporate Governance, with a total of 10 requests, followed by requests regarding Commissioning relating to Primary Care and Mental Health, thus proving to be popular topics.

For a full illustration of the various topics for quarter four please see the chart below:

FOIs by Category - Quarter 4 2022/23

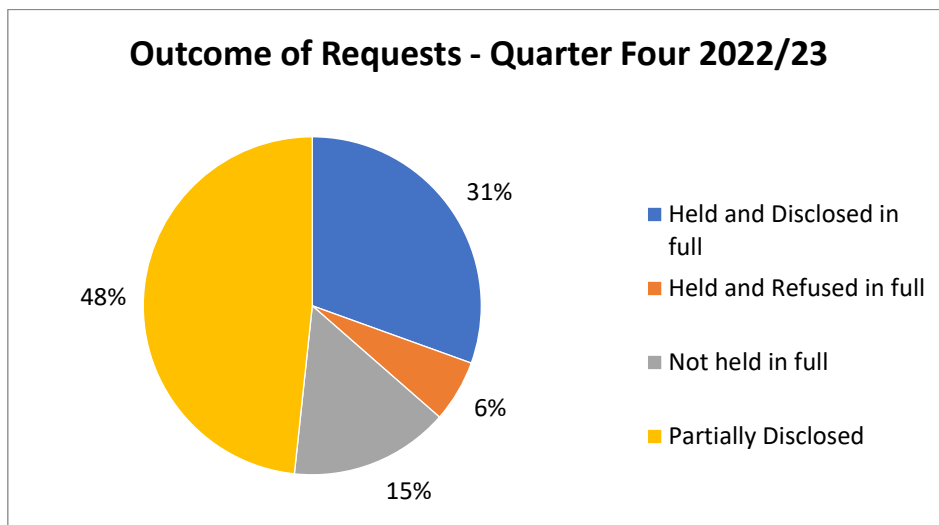


Outcome of Requests Processed

The outcomes of the requests processed during quarter four are illustrated below and include a comparison against the previous quarters:

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Information Held and Disclosed in Full	N/A	22 (31%)	21 (24%)	36 (31%)
Information Not Held by ICB	N/A	14 (20%)	19 (22%)	18 (15%)
Information Held and Refused in Full – Exempt	N/A	0 (0%)	1 (1%)	7 (6%)
Partially Disclosed as Not Held or an Exemption applied	N/A	35 (49%)	47 (53%)	57 (48%)
Total Number of Requests	N/A	71	88	118

The following chart displays the proportion of requests by outcome for quarter four 2022/23:



During quarter four, of the 118 requests processed, 18 (15%) sought information that was not held by the ICB. 36 (31%) received information in full, 57 (48%) 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. 7 (6%) were withheld in full as one or more exemptions applied. In total, 40 (34%) of the requests had one or more exemptions applied.

Exemptions

There were 45 exemptions applied in total during the quarter. The most commonly applied exemptions this quarter were, Section 21 (Information accessible to applicant by other means) with 19 instances, followed by Section 12, which allows public authorities to refuse to deal with a request where cost of compliance exceeds appropriate limit, with 10 instances. 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	Quarter 2	Quarter 3	Quarter 4
12 - Cost of compliance	N/A	3	6	10
14 - Vexatious or Repeated Request	N/A	0	1	0
21 - Accessible by other means	N/A	6	12	19
22 - Future Publication	N/A	1	2	1
31 – Law Enforcement	N/A	0	0	4
36 – Prejudice to effective conduct of public affairs	N/A	0	0	2
40 – Personal Information	N/A	4	5	5
41 – Information Provided in Confidence	N/A	1	0	1
43 – Commercial Interests	N/A	1	0	3
Total	N/A	16	26	45

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 requested information 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.

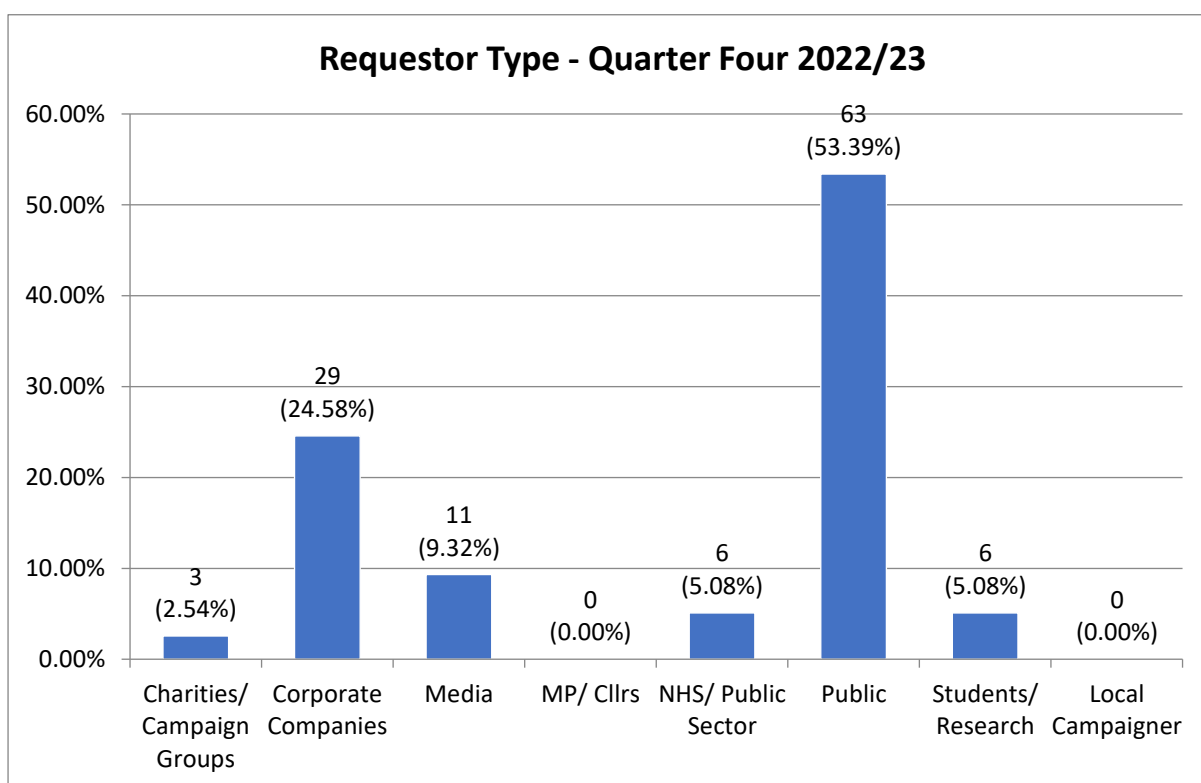
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
NHS-Acute	N/A	16	23	23
NHS-Mental Health	N/A	9	6	9

NHS Other	N/A	8	7	2
NHSE/I	N/A	3	6	6
GPs	N/A	0	3	3
Local Authority	N/A	6	18	9
NHS Digital	N/A	1	2	1
Independent Sector	N/A	8	8	6
CSU	N/A	0	0	1
Other	N/A	1	6	6
Total	N/A	52	79	66

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.

The table below shows the comparison of the types of requesters during the financial year 2022/23:

Summary of Requesters	Quarter 1 2022/23	Quarter 2 2022/23	Quarter 3 2022/23	Quarter 4 2022/23
	Apr - Jun	Jul – Sep	Oct - Dec	Oct - Dec
Charities, Voluntary Sector / Campaign Groups	N/A	5	6	3
Corporate Companies	N/A	18	25	29
Media (local and national)	N/A	4	4	11
Members of Parliament / Local Councillors	N/A	3	0	0
NHS/ Public Sector Organisations	N/A	5	5	6
Individual Members of the Public	N/A	33	42	63
Students / Research	N/A	3	6	6
Local Campaigner	N/A	0	0	0
Total	N/A	71	88	118

Figures are based on processed/completed requests only.

Internal Reviews

There were no Internal Review requests received during quarter four between 1 January and 31 March 2023.

Issues

The effectiveness of the processes and systems has once more been demonstrated throughout the quarter and is evidenced by the information provided in the report, as the ICB's FOI Team has maintained high level of responsiveness and performance in handling FOI requests even as demand increases. Relationships with teams across the new larger organisation have continued to build and strengthen. It is anticipated that the process will become more effective as team structures become fully established.

Training

No FOIA specific training sessions were delivered during quarter four 2022/23. General or specific FOI training is available from the FOI Team on request.

During the 2022/23 financial year, information on the FOI Act and staff responsibility as well as a 'Quick Guide to FOI 2022' was circulated to all ICB colleagues via the staff newsletter(s).

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.

In line with best practice recommendations around records management, and with support from IT departments across the ICB, the FOI Team has progressed with the transfer of Information Asset Ownership and all associated CCG FOI records into one central ICB FOI location. This will enable effective and efficient management of the FOI records, reducing risk associated with poor records management as well as enabling straightforward access audits. North Yorkshire and York data has migrated, however, due to IT provider complexities North Lincolnshire data is currently outstanding and discussions have commenced.

Furthermore, a review of all CCGs' historic FOI records commenced during Quarter Two, to ensure all retention periods are reviewed and all FOI records are accounted for. If/when records are identified that require further action such as disposal, retention or destruction, this will be carried out in line with the ICB's Records Management Policy in consultation with the ICB SIRO. Any action taken will be reported on in subsequent FOI reports and logged on the ICB destruction log as required.

Publication Scheme

A review of the ICB Publication Scheme was undertaken during 2022/23 and recommendations were presented to the relevant colleagues to address any gaps identified in the publication scheme. A further review is due to take place to review progress made.

Customer Feedback

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. Two responses were returned during quarter two, one complete and one partially complete. Both responses rated the ease of understanding the response as 'Very Good'.

Specific feedback was received during quarter four in response to one completed request: "This is perfect, thank you very much!"

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.

Assurance

All information processing is undertaken in accordance with NHS Information Governance requirements and current Data Protection Legislation, and the FOI Team have undergone adequate training in the use, care, protection and handling of Personal Data.

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

Appendix One shows the ICO's health related Decision Notices as well as any Decision Notices relating to Adult Social Care for the quarter. During quarter four the ICO issued 96 decisions notices to the health sector. Those of note include:

Use of Section 14 Vexatious or repeated requests

One case that may be of particular interest is [Decision notice IC-189709-N2G5](#), where NHS England applies Section 14(1) of the FOIA, which does not oblige a public authority to comply with a request for information if the request is vexatious. The complainant requested the disclosure of all emails in a particular employee's account for the year 2021 with the term 'EDI Glossary' mentioned. NHSE refused to comply with the request, citing section 14(1) of FOIA on the basis of the time and resources to redact the information. The threshold for the application of this exemption on this basis is very high. There must be a significant amount of information falling in the scope of the request, the public authority must demonstrate that it contains exempt information scattered throughout and the task of redaction would be burdensome. The Commissioner was satisfied that section 14(1) of FOIA applied as sampling exercises undertaken highlighted the size of emails and attachments falling the scope of the request. To comply with the request would place a significant and overwhelming burden on the resources of NHSE despite any serious purpose or value the request may have.

Use of Section 3 – "held" by a public authority if it is held "otherwise than on behalf of another person"

The [Decision notice IC-191365-Z4M5](#) relates to a request made to the Swansea Bay University Health Board, where some information was provided, however, the Board stated it did not hold some of the information and advised that the Office for National Statistics (ONS) may hold this information. The Commissioner considered that the argument made by the Board regarding uncertainty as to whether the data it extracts from the ONS is the most up to date and accurate is not a valid argument with regards to whether the information is held by the Health Board for the purposes of

FOIA. Nor does the fact that the ONS produced the statistics mean that the Health Board holds the data it extracts from the ONS only on behalf of the ONS. The Commissioner considers that the information is held by the Health Board for its own purposes, specifically for statistical analysis and information purposes. While advising the complainant that the ONS may hold more up-to-date data may well be useful advice and assistance, this does not allow the Health Board to refuse this part of the request on the grounds that the information is not held for the purposes of FOIA. The Commissioner was not satisfied that the information requested is held by the Health Board only on behalf of the ONS, therefore, his decision was that the information is held by the Health Board for the purposes of FOIA and that the Health Board was not entitled to rely on section 3(2) of FOIA to refuse the request.

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 January to 31 March 2023, the ICB received and processed 118 requests for information under FOIA. In most cases (48%), 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 36 cases (31%). In total, 40 (34%) of the requests had one or more exemptions applied. There were 45 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 (36%) being processed in 11-15 days.

The ICB did not receive any requests for an internal review during Quarter Four.

Learning from the ICO Decision Notices it is suggested that the ICB;

- is clear on the possible application of Section 14(1) in instances where processing a request would place a significant and overwhelming burden on the resources, and
- notes that instances where other public authorities may hold more up-to-date data does not allow the ICB to refuse requests on the grounds that the information is not held for the purposes of FOIA.

End of Year Summary

In summary, during 1 July 2022 to 31 March 2023, the ICB received and processed 277 requests for information under FOIA. In 50% of cases since the ICB formed on 1 July 2022, part of the requested information was disclosed by the ICB as the remainder was either not held or withheld as one or more exemptions applied to the request. The ICB disclosed the information in full in 80 (29%) cases.

All requests were processed within 20 working days and requests took an average of 13 days to process.

Work is ongoing to ensure the ICB's compliance with its duties under the Act, through the review of the publication scheme and information being made available by the ICB.

The FOI Team continued to support and assist ICB staff who provide or collate information for FOI requests and have maintained 100% compliance with FOIA response times during the Quarter and the Full Year 2022/23 (since ICB formation on 1 July 2022).

Freedom of Information Delivery Manager

Appendix One

DECISION NOTICES
Health Sector Related (96 in total)
Search for keywords: Adult Social Care (0)
1 January to 31 March 2023

[Medicines and Healthcare Products Regulatory Agency](#)

30 Mar 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-219645-R4P2](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

30 Mar 2023, Health

The complainant made a request on 23 January 2023 for minutes of the Executive Assurance Groups between October to December 2022. The Trust refused to comply with the request as it considers it to be vexatious under section 14 FOIA. The Commissioner's decision is that section 14 FOIA was correctly relied upon in this case. The Commissioner requires no steps to be taken. Information Tribunal appeal EA/2023/0187 under appeal.

FOI 14: Complaint not upheld

[Decision notice IC-221093-V7C0](#)

[NHS England](#)

30 Mar 2023, Health

The complainant has requested the number of maternity incidents meeting the threshold for a HSIB (Healthcare Safety Investigation Branch) investigation. NHS England relied on section 40(2) (third party personal data) and section 41 (breach of confidence) to withhold some information where the number of individuals is equal to or fewer than five. The Commissioner's decision is that NHS England is entitled to rely on section 40(2) and section 41 to withhold the redacted information. However, the Commissioner has recorded a procedural breach of section 10(1) (time for compliance) of FOIA. The Commissioner does not require NHS England to take any steps as a result of this decision notice.

FOI 10: Complaint upheld FOI 40(2): Complaint not upheld FOI 41(1): Complaint not upheld

[Decision notice IC-193264-J6L1](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

30 Mar 2023, Health

The complainant made a request on 7 July 2022 for the details of 49 specified contracts identified on a spreadsheet provided in response to an earlier FOIA request. The Trust initially refused to comply with the request under section 12 FOIA as it said it would exceed the cost limit to do so. In a previous Decision Notice, under the reference IC-197247-G1W7, the Commissioner found that the Trust had incorrectly applied section 12 FOIA and ordered the Trust to issue a fresh response. The Trust subsequently issued a fresh response providing information in relation to the second part of the request and confirming that no further information was held under section 1 FOIA. The Commissioner's decision is that on the balance of probabilities the Trust does hold further information in relation to this request, specifically the 49 contracts in their entirety. The Trust therefore incorrectly confirmed that no further information was held under section 1(1)(a) FOIA. However the Commissioner considers that it would impose a grossly oppressive burden upon the Trust under section 14 FOIA to comply with the request. The Commissioner requires no steps to be taken.

FOI 14: Complaint not upheld FOI 1: Complaint upheld

[Decision notice IC-216067-C8T0](#)

[North Cumbria Integrated Care NHS Foundation Trust](#)

27 Mar 2023, Health

The complainant has requested the trust to disclose an investigation report into the conduct of a junior member of staff. The trust disclosed some information and parts of the report, but felt the remainder is exempt from disclosure under section 40 of FOIA. For three questions, it refused to comply and cited section 12 of FOIA, as it considered the cost to comply would exceed the cost limit. The Commissioner's decision is that the trust is entitled to rely on sections 12 and 40 of FOIA. He has however found the trust in breach of sections 1, 10 and 17 of FOIA. The Commissioner does not require any further action to be taken.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 40: Complaint not upheld FOI 1: Complaint upheld

[Decision notice IC-183234-G5Q4](#)

[NHS Business Services Authority](#)

24 Mar 2023, Health

The complainant made a request for the vaccine damage payment scheme medical assessor's GMC number, qualifications, and experience and a copy of the VDPS guidance the medical assessors follow. NHS Business Services Authority (NHS BSA) provided the VDPS guidance the medical assessors follow with some redactions which are not in dispute, it has confirmed it does not hold the medical assessor's qualifications/experience and it has withheld the medical assessor's GMC numbers under section 40(2) FOIA. The Commissioner's decision is that section 40(2) FOIA was applied correctly by NHS BSA in this case to withhold the medical

assessor's GMC number and that NHS BSA does not hold the medical assessor's qualifications/experience under section 1(1)(a) FOIA. The Commissioner requires no steps to be taken.

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

[Decision notice IC-208221-T2V1](#)

[Care Quality Commission](#)

22 Mar 2023, Health

The complainant has asked for information setting out why the CQC is not allowed to investigate individual complaints. The CQC has stated no recorded information is held. The Commissioner's decision is that the CQC does not hold the information requested and has complied with its obligations under section 1(1) of FOIA.

FOI 1: Complaint not upheld

[Decision notice IC-199560-G0B9](#)

[Essex Partnership University NHS Foundation Trust](#)

21 Mar 2023, Health

The complainant made a request for information as to how a patient makes the Trust aware of their treatment team choice following a GP referral. The Trust refused to comply with the request under section 14(1) FOIA as it considers the request to be vexatious. The Commissioner's decision is that the Trust was entitled to rely on section 14(1) of FOIA to refuse this request. The Commissioner requires no steps to be taken. Information Tribunal appeal EA/2023/0214 under appeal.

FOI 14: Complaint not upheld

[Decision notice IC-220743-T8P4](#)

[NHS Sussex Integrated Care Board](#)

20 Mar 2023, Health

The complainant has requested from NHS Sussex Integrated Care Board (ICB) information outlining what any new medical practice in Brighton and Hove should contain. The ICB stated that it did not hold any information falling within scope. The Commissioner's decision is that the ICB does not hold the requested information. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-204973-T2Y5](#)

[Gateshead Health NHS Foundation Trust](#)

20 Mar 2023, Health

The complainant made a request for information regarding complaints about a named surgeon. Gateshead Health NHS Foundation Trust (the Trust) refused to confirm or deny whether it holds the requested information under section 40(5B)(a)(i) FOIA. The Commissioner considers that the Trust incorrectly applied section 40(5B)(a)(i) FOIA to refuse to confirm or deny whether the requested is held. The Commissioner requires the Trust to provide a response confirming or denying

whether the requested information is held in compliance with section 1(1)(a) FOIA. If this information is held this should be disclosed in accordance with section 1(1)(b) FOIA or the Trust should explain the exemptions from disclosure being relied upon in accordance with its obligations under section 17 FOIA.

FOI 40: Complaint upheld

[Decision notice IC-218871-N6B8](#)

[Lewisham and Greenwich NHS Trust](#)

16 Mar 2023, Health

The complainant has requested specified information relating to patients admitted between 15/12/2021 and 15/01/2022 categorised by those who have not received a COVID-19 vaccination and those who have received one or more doses of vaccine. The Trust provided most of the information, but not broken down by vaccination status (as it said that this was not held). It did not provide the number of patients admitted to intensive care with COVID-19 that had underlying health conditions (part 3 of the request) as it said it would exceed the cost limit under section 12 FOIA to do so. The Commissioner's decision is that section 12 FOIA was incorrectly applied to part 3 of the request. The Commissioner requires the public authority to provide a fresh response under FOIA to part 3 of the request that does not rely upon section 12 FOIA.

FOI 12: Complaint upheld

[Decision notice IC-199165-F3M7](#)

[Kings College Hospital NHS Foundation Trust](#)

16 Mar 2023, Health

The complainant has requested information about a contract with the Good Governance Institute (GGI). The above public authority provided some information, but stated that no further information was held – with the exception of a proposal document that was exempt under section 43 of FOIA (commercial interests). The Commissioner's decision is that the public authority has identified all the information it holds within the scope of the request. The proposal document engages section 43 of FOIA and the balance of the public interest favours maintaining the exemption. The public authority breached sections 10 and 17 of FOIA as it failed to disclose all the non-exempt information or issue an adequate refusal notice within 20 working days. The Commissioner does not require further steps to be taken. Keywords: procurement, Covid-19, third party consultation

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 43: Complaint not upheld FOI 1: Complaint not upheld

[Decision notice IC-182610-G8Q1](#)

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

14 Mar 2023, Health

The complainant requested information from Swansea Bay University Health Board ('the public authority') regarding staff subject to disciplinary action. The

Commissioner's decision is that the public authority was entitled to rely on section 40(2) of FOIA to withhold some, but not all, of the requested information. The Commissioner requires the public authority to take the following step: disclose the information requested at part [1] of the request to the complainant, that is, the number of staff at Morriston Hospital subject to disciplinary process between 25 January and 20 March 2022.

FOI 40: Complaint partly upheld

[Decision notice IC-176844-V1Z6](#)

[West Midlands Ambulance Service University NHS Foundation Trust](#)

13 Mar 2023, Health

The complainant made a request for information relating to private ambulance transfers used by the Trust. The Trust provided a copy of a response it had given in reply to a separate FOI request it had received relating to private transfers. The complainant asked for an internal review as the Trust had not provided any of the information they had requested. The Trust confirmed that it did not hold the requested information under section 1(1)(a) FOIA. The Commissioner considers, on the balance of probabilities the Trust was correct to confirm it does not hold the requested information under section 1(1)(a) FOIA. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-217549-X7F1](#)

[Care Quality Commission](#)

8 Mar 2023, Health

The complainant has requested a final inspection report and training records. The Commissioner's decision is that Care Quality Commission (the CQC) was entitled to rely on section 40(2) to withhold the requested information. The Commissioner does not require the public authority to take any further steps.

FOI 40(2): Complaint not upheld

[Decision notice IC-189495-R5Z6](#)

[Bedfordshire, Luton and Milton Keynes NHS Integrated Care Board](#)

8 Mar 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-216192-C7W0](#)

[NHS England](#)

7 Mar 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-215906-F5H5](#)

[NHS England](#)

7 Mar 2023, Health

The complainant has requested copies of contracts for “additional COVID capacity” between NHS England and five private healthcare providers. The Commissioner’s decision is that NHS England has correctly applied section 40(2) and 43(2) of FOIA. However, the Commissioner has recorded procedural breaches of sections 1, 10, 16 and 17 of FOIA. The Commissioner does not require NHS England to take any steps as a result of this decision notice.

FOI 10: Complaint upheld FOI 17: Complaint upheld FOI 43(2): Complaint not upheld FOI 16: Complaint upheld FOI 40(2): Complaint not upheld FOI 1: Complaint upheld

[Decision notice IC-130063-Q6M9](#)

[Medicines and Healthcare Products Regulatory Agency](#)

6 Mar 2023, Health

The complainant has submitted multiple requests for information to Medicines and Healthcare Products Regulatory Agency (“MHRA”) about Pfizer drugs. The Commissioner’s decision is that MHRA has not demonstrated that complying with the request would impose a grossly oppressive burden and consequently it is not entitled to rely on section 14(1). The Commissioner requires MHRA to respond to the request again, without relying upon section 14(1) of FOIA. MHRA 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 FOIA and may be dealt with as a contempt of court.

FOI 14: Complaint upheld

[Decision notice IC-166253-R2B0](#)

[Partners of Mount Pleasant Medical Centre](#)

6 Mar 2023, Health

The complainant requested information about staff concerns and policies from Mount Pleasant Medical Centre (“the Medical Centre”). By the date of this notice the Medical Centre had not issued a substantive response to this request. The Commissioner’s decision is that the Medical Centre 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 Medical Centre must

provide a substantive response to the request in accordance with its obligations under FOIA. The Medical Centre 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(1): Complaint upheld

[Decision notice IC-207217-X4D0](#)

[Partners of Mount Pleasant Medical Centre](#)

6 Mar 2023, Health

The complainant requested information about numbers of home visits conducted by doctors from Mount Pleasant Medical Centre (“the Medical Centre”). By the date of this notice the Medical Centre had not issued a substantive response to this request. The Commissioner’s decision is that the Medical Centre 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 Medical Centre must provide a substantive response to the request in accordance with its obligations under FOIA. The Medical Centre 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(1): Complaint upheld

[Decision notice IC-207213-X4N4](#)

[Care Quality Commission](#)

3 Mar 2023, Health

The complainant requested from the Care Quality Commission (CQC), information relating to a doctor and the names of the organisations contained in his dossier regarding Non-therapeutic male circumcision (NTMC). The CQC withheld the requested information under section 40(2) (personal information), section 41 (information provided in confidence) and section 44 (prohibitions of disclosure) of FOIA. The Commissioner’s decision is the CQC was entitled to rely on section 40(2) and section 41 of FOIA to refuse to provide the information requested. Therefore, the Commissioner does not require the CQC to take any steps as a result of this decision.

FOI 40(2): Complaint not upheld FOI 41: Complaint not upheld

[Decision notice IC-208149-L2W0](#)

[Partners of Mount Pleasant Medical Centre](#)

2 Mar 2023, Health

The complainant requested information about patients. By the date of this notice, the partners of Mount Pleasant Medical Centre (“the Surgery”) had not issued a substantive response to this request. The Commissioner’s decision is that the Surgery 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 Surgery to take the following step to ensure compliance with the legislation. The Surgery must provide a substantive response to the request in accordance with its obligations under FOIA. The Surgery 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-209788-G9F3](#)

[Partners of Mount Pleasant Medical Centre](#)

2 Mar 2023, Health

The complainant requested information about disciplining staff. By the date of this notice, the partners of Mount Pleasant Medical Centre (“the Surgery”) had not issued a substantive response to this request. The Commissioner’s decision is that the Surgery 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 Surgery to take the following step to ensure compliance with the legislation. The Surgery must provide a substantive response to the request in accordance with its obligations under FOIA. The Surgery 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-209793-X7M3](#)

[Partners of Mount Pleasant Medical Centre](#)

2 Mar 2023, Health

The complainant requested information about numbers of patients. By the date of this notice, the partners of Mount Pleasant Medical Centre (“the Surgery”) had not issued a substantive response to this request. The Commissioner’s decision is that the Surgery 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 Surgery to take the following step to ensure compliance with the legislation. The Surgery must provide a substantive response to the request in accordance with its obligations under FOIA. The Surgery 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-209794-G0P2](#)

[Partners of Mount Pleasant Medical Centre](#)

2 Mar 2023, Health

The complainant requested information about the policies in place. By the date of this notice, the partners of Mount Pleasant Medical Centre (“the Surgery”) had not issued a substantive response to this request. The Commissioner’s decision is that the Surgery 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 Surgery to take the following step to ensure compliance with the legislation. The Surgery must provide a substantive response to the request in accordance with its obligations under FOIA. The Surgery 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-209792-V7Z6](#)

[Mount Pleasant Medical Centre](#)

28 Feb 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-214220-R0R8](#)

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

28 Feb 2023, Health

The complainant requested information from East Kent Hospitals University NHS Foundation Trust (“the public authority”). The Commissioner’s decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority complied with its obligations under section 16 of FOIA to offer advice and assistance. The Commissioner does not require the public authority to take any steps.

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

[Decision notice IC-213415-X6J8](#)

[General Medical Council](#)

22 Feb 2023, Health

The complainant requested information from the General Medical Council (“the GMC”) relating to the authorship of a policy document. The Commissioner’s decision is that the GMC is entitled to rely on section 40(2) (personal information) of the FOIA to withhold the requested information. The Commissioner does not require any steps to be taken as a result of this decision notice.

FOI 40(2): Complaint not upheld
[Decision notice IC-214980-D6R6](#)

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

22 Feb 2023, Health

The complainant has requested information about medical records. The above public authority denied holding the requested information. The Commissioner's decision is that, on the balance of probabilities, the public authority does not hold any information within the scope of the request. The public authority did however breach section 10 of FOIA in responding to the request. The Commissioner does not require further steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld
[Decision notice IC-205701-L3B1](#)

[NHS Digital](#)

22 Feb 2023, Health

The complainant has made a "meta request" for correspondence showing how a previous request was dealt with. The above public authority provided some information and relied on sections 40(1) and 40(2) of FOIA (personal data of the requester and personal data of third parties respectively) to withhold information. The Commissioner's decision is that the public authority has correctly relied upon sections 40(1) and 40(2) of FOIA in respect of element [1]. In respect of both elements, it has provided the information that fell within the scope of the request. The Commissioner does not require further steps to be taken.

FOI 40: Complaint not upheld FOI 1: Complaint not upheld
[Decision notice IC-206289-J5Y7](#)

[North East Ambulance Service NHS Foundation Trust](#)

21 Feb 2023, Health

The complainant has requested information relating to staff absence and bullying. The Trust provided some information within the scope of the request but refused to provide the remainder, citing section 40(2) (personal information). The Commissioner's decision is that the Trust was entitled to withhold the requested information under section 40(2). The Commissioner does not require the public authority to take any steps.

FOI 40(2): Complaint not upheld
[Decision notice IC-199048-T0S1](#)

[UK Health Security Agency](#)

21 Feb 2023, Health

The Commissioner's decision is that UK Health Security Agency (UKHSA) has complied with section 1(1) of FOIA in respect of the request for information about COVID-19 testing equipment. There was no breach of section 16(1), which concerns

advice and assistance, but UKHSA did breach section 10(1) in respect of the timeliness of its response. It is not necessary for UKHSA to take any steps.
FOI 10: Complaint upheld FOI 16: Complaint not upheld FOI 1: Complaint not upheld
[Decision notice IC-203796-J9M2](#)

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

17 Feb 2023, Health

The complainant has requested information about guidance on medical students. The above public authority provided some information but the complainant believes more is held. The Commissioner's decision is that the public authority has provided all the information it holds in recorded form. The public authority breached section 10 of FOIA by providing information outside the 20 working day timeframe. The Commissioner does not require further steps. Keywords: adequacy
FOI 10: Complaint upheld FOI 1: Complaint not upheld
[Decision notice IC-197445-D9L1](#)

[Observatory Medical Practice](#)

17 Feb 2023, Health

The complainant requested information from Observatory Medical Practice ("the OMP") relating to the OMP's process when administering coronavirus vaccinations to its patients. The Commissioner's decision is that, on the balance of probabilities, the OMP does hold information within the scope of the request. Consequently, the Commissioner finds that the OMP breached section 1(1) of the FOIA. The Commissioner requires the OMP to take the following steps to ensure compliance with the legislation. The OMP must conduct fresh searches into the requested information and provide a new response which is adequate for the purposes of the FOIA. The OMP 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 FOIA and may be dealt with as a contempt of court.
FOI 1(1): Complaint upheld
[Decision notice IC-161052-F1Z2](#)

[North East Ambulance Service](#)

16 Feb 2023, Health

The complainant requested information held by North East Ambulance Service (NEAS) relating to costs involved in instructing solicitors with specific reference to employment disputes. Whilst NEAS provided some information, it advised that it was unable to provide the breakdown requested, citing section 12(1) - cost limits, of FOIA. It is the Commissioner's decision that NEAS has correctly applied section 12(1) to the original request (Request one); however, it failed to identify that a new request (Request two) was included within the complainant's internal review request. As a result the Commissioner has found a breach of section 1 of FOIA. The Commissioner requires NEAS to take the following step to ensure compliance with

the legislation. Consider and provide a substantive response to Request two (set out in paragraph eight of this decision notice) in accordance with its obligations under FOIA.

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

[Decision notice IC-202105-N4Z1](#)

[Great Western Hospitals NHS Foundation Trust](#)

16 Feb 2023, Health

The complainant requested information from Great Western Hospitals NHS Foundation Trust (the public authority). The Commissioner's decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority did not comply with its obligations under section 16 of FOIA to offer advice and assistance. The Commissioner requires the public authority to take the following steps: Provide advice and assistance to the complainant to assist in submitting a request falling within the appropriate limit. The public authority must take the above 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 12(1): Complaint not upheld FOI 16: Complaint upheld

[Decision notice IC-213327-K9J6](#)

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

15 Feb 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-210388-M8L7](#)

[North Middlesex University Hospital NHS Trust](#)

14 Feb 2023, Health

The Commissioner's decision is that the NMUH has correctly withheld the requested information under section 40(2) of FOIA. The Commissioner does not require the NMUH to take any steps as a result of this decision notice.

FOI 40(2): Complaint not upheld

[Decision notice IC-179073-Z9G9](#)

[Medicines and Healthcare Products Regulatory Agency](#)

13 Feb 2023, Health

The Commissioner's decision is that section 14(1) of FOIA is engaged in respect of two requests the complainant submitted to the Medicines and Healthcare products Regulatory Agency (MHRA) for correspondence about COVID-19 vaccine

developers. That requests can be categorised as vexatious due to the disproportionate burden that complying with them would cause to MHRA. It is not necessary for MHRA to take any steps.

FOI 14: Complaint not upheld

[Decision notice IC-173212-Y6G1](#)

[Essex Partnership University NHS Foundation Trust](#)

10 Feb 2023, Health

The complainant requested information relating to the complex care pathway for patients. By the date of this notice Essex Partnership University NHS Foundation Trust (“the Trust”) had not issued a substantive response to this request. The Commissioner requires the Trust to provide a substantive response to the request in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-202552-M6S5](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

10 Feb 2023, Health

The complainant requested “all documentation re the Executive Groups”. Liverpool University Hospitals NHS Foundation Trust (the Trust) refused to comply with the request under section #14 FOIA as it considers it to be vexatious. The Commissioner’s decision is that the Trust was entitled to rely on section 14(1) of FOIA to refuse this request. The Commissioner does not require further steps. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0078 under appeal.

FOI 14: Complaint not upheld

[Decision notice IC-207629-X4N3](#)

[Avon and Wiltshire Mental Health Partnership NHS Trust](#)

10 Feb 2023, Health

The complainant made a request for information regarding Avon and Wiltshire Mental Health Partnership NHS Trust’s (the Trust) work on the SARI Supporting Trans People guidance. The Trust initially withheld some information under section 40(2) FOIA (third party personal data). However it subsequently confirmed that the Trust did not hold this information under section 1(1)(a) FOIA and directed the complainant to the public authority that would hold the required information. The Commissioner considers that the Trust was correct to confirm that it does not hold the information it had originally withheld under section 40(2) FOIA in accordance with section 1(1)(a) FOIA. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-207179-C9D2](#)

[Nursing and Midwifery Council](#)

9 Feb 2023, Health

The complainant requested information relating to nurses proven of misconduct due to misuse of social media from the Nursing and Midwifery Council (the Council). The Commissioner's decision is that the Council is entitled to rely on section 40(2) of FOIA to withhold some of the requested information. The Commissioner does not require the public authority to take any steps.

FOI 40(2): Complaint not upheld

[Decision notice IC-189270-Y7P5](#)

[NHS England](#)

8 Feb 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-204542-Z2D5](#)

[NHS England](#)

8 Feb 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-204541-P7C9](#)

[General Medical Council](#)

8 Feb 2023, Health

The complainant requested information from the General Medical Council (GMC) relating to FTP investigations. GMC refused the request under section 14(1) of FOIA (vexatious requests). The Commissioner's decision is that the request was vexatious and therefore GMC was entitled to rely upon section 14(1) of FOIA to refuse it. The Commissioner does not require any steps. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0090 under appeal.

FOI 14(1): Complaint not upheld

[Decision notice IC-148403-R9L7](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

8 Feb 2023, Health

The complainant has requested information relating to the construction of a new hospital and the collapse of Carillion. The Trust refused to comply with the request, citing regulation 12(4)(b) (manifestly unreasonable) of the EIR. The Commissioner's

decision is that the Trust was entitled to refuse the request under regulation 12(4)(b). The Commissioner does not require the public authority to take any steps. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0077 under appeal.

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

[Decision notice IC-186290-W6Y6](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

8 Feb 2023, Health

The Commissioner's decision is that the Trust should have dealt with the request for information about a large building project under the EIR, and not FOIA. However, the Commissioner finds that regulation 12(4)(b) is engaged in respect of parts 1 and 2 of the request and regulation 12(5)(b) is engaged in respect of information within scope of part 4. These exceptions concern manifestly unreasonable requests and the course of justice respectively. In both cases the Commissioner finds that the balance of the public interest favours maintaining the exception. As the Trust failed to rely on an EIR exception within 20 working days, it breached regulation 14(2) of the EIR. It is not necessary for the Trust to take any steps. Information Tribunal appeal EA/2023/0068 under appeal.

EIR 12(4)(b): Complaint not upheld EIR 12(5)(b): Complaint not upheld

EIR 14: Complaint upheld

[Decision notice IC-169289-D0V4](#)

[University Hospitals of Leicester NHS Trust](#)

8 Feb 2023, Health

The complainant has requested a copy of an investigation report. The above public authority finally came to rely on section 36 (effective conduct of public affairs) and section 40(2) of FOIA (third party personal data) to withhold the requested information. The Commissioner's decision is that the public authority has correctly engaged section 36 of FOIA, but the public interest favours disclosing the majority of the information. There is a small amount of identifiable information in the report which the public authority may rely on section 40(2) of FOIA to withhold. The remainder is not personal data. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Disclose, to the complainant, a copy of the withheld information. The public authority may redact the information specified in the confidential annex to this notice Keywords: suspicion of wrongdoing, independent report, audit

FOI 36: Complaint upheld FOI 40: Complaint partly upheld

[Decision notice IC-205769-G7C6](#)

[NHS England](#)

7 Feb 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-204531-G0C0](#)

[Devon Partnership NHS Trust](#)

7 Feb 2023, Health

The Commissioner's decision is that Devon Partnership NHS Trust is entitled to refuse the complainant's request for information about the treatment of psychopathy under section 14(1) of the FOIA, as the request is vexatious. The Commissioner does not require any steps.

FOI 14(1): Complaint not upheld

[Decision notice IC-193098-X0B9](#)

[Office for Students](#)

7 Feb 2023, Health

The complainant has requested data relating to the National Student Survey. The Commissioner's decision is that the Office for Students ('OfS') is entitled to withhold the requested information under section 43(2) (commercial interests) of FOIA. The Commissioner does not require the public authority to take any steps.

FOI 43(2): Complaint not upheld

[Decision notice IC-159710-J9T4](#)

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

7 Feb 2023, Health

The complainant has requested information obtained from a hysteroscopy patient satisfaction survey. Birmingham's Women and Children's NHS Foundation Trust ('the Trust') refused to provide the requested information, citing section 22a (research). The Commissioner's decision is that: In failing to respond to the request within twenty working days, the Trust breached section 10 (time for compliance with request). Section 22a is engaged but the public interest lies in disclosure. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: Disclose the requested information. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0129 withdrawn.

FOI 10: Complaint upheld FOI 22A: Complaint upheld

[Decision notice IC-199054-W5N4](#)

[Southern Health and Social Care Trust](#)

7 Feb 2023, Health

The complainant requested information from Southern Health and Social Care Trust ("the public authority"). The Commissioner's decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority did not comply with its obligations under section 16 of FOIA to offer advice and assistance. The

Commissioner requires the public authority to take the following steps: Provide advice and assistance to the complainant to assist in submitting a request falling within the appropriate limit. 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 FOIA and may be dealt with as a contempt of court.

FOI 12: Complaint not upheld FOI 16: Complaint upheld

[Decision notice IC-208383-W2H6](#)

[NHS England](#)

6 Feb 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-208463-H5N0](#)

[NHS England](#)

6 Feb 2023, Health

The complainant has requested NHS England (NHSE) to disclose all the emails in a particular employee's account for the year 2021 with the term 'EDI Glossary' mentioned. NHSE refused to comply with the request, citing section 14(1) of FOIA on the basis of time and resources to redact the information. The Commissioner's decision is that NHSE is entitled to refuse to comply with the request in accordance with section 14(1) of FOIA. He has however recorded a breach of section 10 of FOIA. The Commissioner does not require any further action to be taken.

FOI 14: Complaint not upheld FOI 10: Complaint upheld

[Decision notice IC-189709-N2G5](#)

[North West Ambulance Service NHS Trust](#)

4 Feb 2023, Health

The Commissioner's decision is that North West Ambulance Service NHS Trust (NWAS) is entitled to withhold the requested information about 999 call-handling under section 38 of FOIA, which concerns health and safety. It is not necessary for NWAS to take any steps.

FOI 38: Complaint not upheld

[Decision notice IC-203257-B7K7](#)

[General Dental Council](#)

2 Feb 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-210082-S5D9](#)

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

2 Feb 2023, Health

The complainant requested information from Swansea Bay University Health Board (“the Health Board”) about waiting lists and Covid deaths. The Health Board provided some information within the scope of the request, but maintains that it does not hold some of the requested information for the purposes of FOIA. The Commissioner’s decision is that the Health Board does hold the information requested in part 3 of the request for the purposes of FOIA; it was therefore not entitled to rely on section 3(2) of FOIA to refuse this part of the request and that the Health Board 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 Health Board to disclose the information it holds within the scope of part 3 of the request, or issue a valid refusal notice which does not rely on section 3(2) of FOIA.

FOI 3: Complaint upheld FOI 10(1): Complaint upheld

[Decision notice IC-191365-Z4M5](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

1 Feb 2023, Health

The complainant submitted a request to Liverpool University Hospitals NHS Foundation Trust (“the Trust”) for documentation relating to Liverpool University’s (“the university”) interest in Duncan House. The Commissioner’s decision is that the Trust breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory timeframe of 20 working days. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Respond to the complainant’s request. 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 FOIA and may be dealt with as a contempt of court.

FOI 10(1): Complaint upheld

[Decision notice IC-187197-X5C2](#)

[General Medical Council](#)

31 Jan 2023, Health

The complainant made a request for the full findings and decision regarding a GMC investigation about a named doctor. The GMC refused to disclose the requested information under section 40(2) FOIA. The Commissioner’s decision is that section 40(2) FOIA was applied correctly by the GMC in this case. The Commissioner requires no steps to be taken.

FOI 40: Complaint not upheld
[Decision notice IC-200310-M6F2](#)

[General Medical Council](#)

31 Jan 2023, Health

The complainant made a request for information regarding enquiries or investigations about a named doctor. The GMC refused to confirm or deny whether it holds the requested information under section 40(5B)(a)(i) FOIA. The Commissioner considers that the GMC was correct to apply section 40(5B)(a)(i) FOIA to refuse to confirm or deny whether the requested is held. The Commissioner requires no steps to be taken.

FOI 40: Complaint not upheld
[Decision notice IC-211346-B2H7](#)

[Northamptonshire Healthcare NHS Foundation Trust](#)

31 Jan 2023, Health

The complainant has requested copies of invoices received by Northamptonshire Healthcare NHS Foundation Trust (the Trust), relating to Annex 6 of the Trust's constitution (relating to the Council of Governors) and the Trust's Nominations and Remuneration Committee. The Commissioner's decision is that the Trust breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

FOI 10: Complaint upheld
[Decision notice IC-150104-J7V3](#)

[North West Ambulance Service NHS Trust](#)

31 Jan 2023, Health

In a 21 part request, the complainant has requested a variety of information about North West Ambulance Service NHS Trust's processes, procedures and performance. Their complaint concerns the Trust's response to 16 parts of the request. The Commissioner's decision is as follows: The Trust has disclosed all the information it holds within scope of parts 18 and 21 of the request and complied with section 1(1) of FOIA in respect of those parts. The Trust correctly applied sections 12(1), 21(1), 36(2)(c), 38(1) and 40(2) to the information it withheld regarding the remaining 14 parts of the request in scope of the complaint. The public interest favours maintaining these exemptions. The Trust's handling of the request breached section 10(1) and 17(1) of FOIA but there was no breach of section 16(1). It is not necessary for the Trust to take any steps.

FOI 10: Complaint upheld FOI 21: Complaint not upheld FOI 40: Complaint not upheld FOI 17: Complaint upheld FOI 16: Complaint not upheld FOI 38: Complaint not upheld FOI 36: Complaint not upheld FOI 1: Complaint not upheld
[Decision notice IC-162191-B5Q2](#)

[West Midlands Ambulance Service University NHS Foundation Trust](#)

28 Jan 2023, Health

West Midlands Ambulance Service University NHS Foundation Trust ('WMAS') has correctly applied section 43(2) of FOIA to requested information about spending on paramedic training as disclosure would be likely to prejudice its commercial interests. It is not necessary for WMAS to take any steps.

FOI 43: Complaint not upheld

[Decision notice IC-203784-C4S8](#)

[Care Quality Commission](#)

27 Jan 2023, Health

The complainant has requested the Care Quality Commission (CQC) to disclose information relating to Mental Health Act complaints and an inspection of an NHS Trust's Mental Health Services. The CQC refused to disclose the inspection information citing section 31(1)(g) by virtue of 31(2)(c) of FOIA (law enforcement), section 40, section 41 and section 44 of FOIA. For the complaints information the CQC refused to disclose on the basis of the same exemptions. The Commissioner's decision is that the CQC is entitled to refuse to disclose the inspection information in accordance with section 31(1)(g), by virtue of 31(2)(c) of FOIA and for the complaints information the CQC is entitled to refuse the request on the basis of section 40(2). The CQC however breached section 10 of FOIA by failing to respond to the complainant's request within 20 working days of receipt.

FOI 31: Complaint not upheld FOI 10: Complaint upheld FOI 40: Complaint not upheld

[Decision notice IC-193752-Y3G3](#)

[Medicines and Healthcare Products Regulatory Agency](#)

26 Jan 2023, Health

The Commissioner's decision is that MHRA has correctly applied sections 38(1), 41(1) and 43(2) of FOIA to requested information about a COVID-19 vaccine as disclosure would be likely to endanger individuals' health, was provided in confidence and is commercially sensitive respectively. It is not necessary for MHRA to take any steps.

FOI 43: Complaint not upheld FOI 38: Complaint not upheld FOI 41: Complaint not upheld

[Decision notice IC-166753-N7G6](#)

[Imperial College Healthcare NHS Trust](#)

25 Jan 2023, Health

The complainant has requested information regarding a formal complaints procedure. Imperial College Healthcare NHS Trust (the Trust) responded to the request outside the statutory time for compliance. The Commissioner's decision is that the Trust breached section 10(1) FOIA in its handling of this request. The Commissioner requires no steps to be taken.

FOI 10: Complaint upheld

[Decision notice IC-204043-V2W8](#)

[Imperial College Healthcare NHS Trust](#)

25 Jan 2023, Health

The complainant has requested information regarding retention periods for CCTV footage at specific locations and rights of access to such footage. Imperial College Healthcare NHS Trust (the Trust) responded to the request outside the statutory time for compliance. The Commissioner's decision is that the Trust breached section 10(1) FOIA in its handling of this request. The Commissioner requires no steps to be taken.

FOI 10: Complaint upheld

[Decision notice IC-204045-T1H1](#)

[Isle of Wight NHS Trust](#)

25 Jan 2023, Health

The complainant requested various information in respect of Health Service Guidelines HSG (94)5 and mental illness. The Isle of Wight NHS Trust ('the Trust') acknowledged the request, but did not send a formal response. The Commissioner's decision is that the Trust has not responded to the request and has therefore breached section 10(1) FOIA. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0157 under appeal.

FOI 10(1): Complaint not upheld

[Decision notice IC- 171689-Y6M9](#)

[Belfast Health and Social Care Trust](#)

25 Jan 2023, Health

The Commissioner's decision is that Belfast Health and Social Care Trust is entitled to aggregate the complainant's request under section 12(4) of FOIA and to rely on section 12(1) to refuse the request as the cost of complying with it would exceed the appropriate limit. There was no breach of section 16(1), which concerns advice and assistance. It is not necessary for the Trust to take any steps.

FOI 12: Complaint not upheld FOI 16: Complaint not upheld

[Decision notice IC-192489-L4R3](#)

[Northern Health and Social Care Trust](#)

25 Jan 2023, Health

The complainant requested information from the Northern Health & Social Care Trust ("the Trust") relating to banding and evaluation of the Financial Services Manager Post since 2007. The Trust provided information in scope of the request, but stated no records were held for part one of the request. The Commissioner's decision is that the Trust holds no further recorded information relevant to the complainant's request and has complied with section 1(1) of FOIA. The Commissioner does not require any steps to be taken as a result of this decision notice.

FOI 1(1): Complaint not upheld
[Decision notice IC-179013-H2N6](#)

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

24 Jan 2023, Health

The complainant has requested information about ambulance handovers. South East Coast Ambulance Service NHS Foundation Trust (the Trust) provided the requested information outside of the statutory time for compliance. The Commissioner's decision is that the Trust breached section 10(1) FOIA in its handling of this request. The Commissioner requires no steps to be taken.

FOI 10: Complaint upheld

[Decision notice IC-184692-J9V0](#)

[General Medical Council](#)

24 Jan 2023, Health

The complainant made a request for information regarding a complaint about a named doctor. The GMC refused to confirm or deny whether it holds the requested information under section 40(5B)(a)(i) FOIA. The Commissioner considers that the GMC was correct to apply section 40(5B)(a)(i) FOIA to refuse to confirm or deny whether the requested is held. The Commissioner requires no steps to be taken.

FOI 40: Complaint not upheld

[Decision notice IC-201818-R0C5](#)

[NHS England](#)

24 Jan 2023, Health

The complainant has requested NHS England to disclose information relating to the closure of pharmacies between 1st January 2022 and 31st March 2022. NHS England refused to comply with the request, citing section 12 of FOIA. The Commissioner's decision is that NHS England is entitled to refuse to comply with the request in accordance with section 12 of FOIA. He has however recorded a breach of section 10 of FOIA, as NHS England failed to respond to the complainant's request within 20 working days of receipt. The Commissioner does not require any further action to be taken.

FOI 10: Complaint upheld FOI 12: Complaint not upheld

[Decision notice IC-182288-T5Y4](#)

[Severn Valley Medical Practice](#)

24 Jan 2023, Health

The complainant has requested information regarding Subject Access Request processing procedures. The Commissioner's decision is that the Severn Valley Medical Practice (the Surgery), on the balance of probabilities, holds information within the scope of the request. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Disclose the requested information or provide a adequate refusal notice. 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 FOIA and may be dealt with as a contempt of court.

FOI 1: Complaint upheld

[Decision notice IC-190831-J9Y3](#)

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

24 Jan 2023, Health

The complainant requested information about employee grievances. By the date of this notice, Guy's and St Thomas' NHS Foundation Trust ("the Trust") had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation. The Trust must provide a substantive response to the request in accordance with its obligations under FOIA. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-205779-Q2X8](#)

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

23 Jan 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-205706-G8G1](#)

[Greater Manchester Mental Health NHS Foundation Trust](#)

23 Jan 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-199860-J9K2](#)

[UK Health Security Agency](#)

23 Jan 2023, Health

The complainant has requested information relating to COVID-19. The UKHSA refused to comply with the request, citing section 12(1) (cost of compliance exceeds appropriate limit) of FOIA. The Commissioner's decision is that the UKHSA is entitled to refuse the request under section 12(1). The Commissioner does not require the public authority to take any steps.

FOI 12: Complaint not upheld FOI 16: Complaint not upheld

[Decision notice IC-192231-B8X8](#)

[General Medical Council](#)

20 Jan 2023, Health

The complainant requested information from the General Medical Council ("the GMC"). The Commissioner's decision is that the request was vexatious and therefore the GMC was entitled to rely upon section 14(1) of FOIA to refuse it. The Commissioner does not require any steps.

FOI 14(1): Complaint upheld

[Decision notice IC-164398-B6S1](#)

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

20 Jan 2023, Health

The Commissioner's decision is that University College London Hospitals NHS Foundation Trust is entitled to rely on section 40(2) of FOIA to withhold the requested information about job applicants as it is the special category personal data of third parties and disclosure would be unlawful.

FOI 40: Complaint not upheld

[Decision notice IC-199646-T8X0](#)

[Calderdale and Huddersfield NHS Foundation Trust](#)

20 Jan 2023, Health

The complainant has requested details of a proposed business case. The above public authority relied on section 22 (due to be published) and 43 (commercial interests) of FOIA in order to withhold the requested information. The Commissioner's decision is that the public authority has correctly engaged section 22 of FOIA and that the balance of the public interest favours maintaining the exemption. The Commissioner does not require further steps to be taken.

FOI 22: Complaint not upheld

[Decision notice IC-204647-D6M9](#)

[NHS England](#)

17 Jan 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-206061-H2Z5](#)

[Royal Berkshire NHS Foundation Trust](#)

16 Jan 2023, Health

The complainant has requested information from Royal Berkshire NHS Foundation Trust (the Trust) in relation to cases of bullying and harassment, referrals to the GMC and the job description of specific roles. The trust refused to comply with the requests, citing section 14 of FOIA. The Commissioner's decision is that the Trust is entitled to refuse to comply with the requests under section 14 of FOIA. He does not require any further action to be taken.

FOI 14: Complaint not upheld

[Decision notice IC-190750-F9J9](#)

[Royal Surrey County Hospital](#)

16 Jan 2023, Health

The complainant has requested information about emergency preparedness. The above public authority ("the public authority") relied on section 14(1) of FOIA to refuse the request as vexatious. The Commissioner's decision is that the public authority is not entitled to rely on section 14(1) of FOIA to refuse this 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 section 14(1) of FOIA.

FOI 14: Complaint upheld

[Decision notice IC-204648-C9L6](#)

[Care Quality Commission](#)

10 Jan 2023, Health

The complainant has requested information relating to various drafts of a report which had yet to be published. The above public authority relied on section 31 of FOIA (law enforcement) to withhold the requested information. The Commissioner's decision is that the public authority has correctly applied section 31 of FOIA and that the balance of the public interest favours maintaining the exemption. The Commissioner does not require further steps.

FOI 31: Complaint not upheld

[Decision notice IC-204443-V7B2](#)

[Cambridge University Hospitals NHS Foundation Trust](#)

9 Jan 2023, Health

The complainant requested information from Cambridge University Hospitals NHS Foundation Trust ("the Trust") about diagnostic nerve procedures. By the date of this notice the Trust had not issued a substantive response to this request. The

Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.

FOI 10(1): Complaint upheld

[Decision notice IC-191633-S4T4](#)

[Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board](#)

9 Jan 2023, Health

The complainant requested from Oxfordshire Clinical Commissioning Group, which is now Buckinghamshire, Oxfordshire & Berkshire West Integrated Care Board ("BOB ICB"), information in respect of instances of "Black Alert" or instances where appointments could not be made due to operational issues at a particular medical practice. BOB ICB initially refused the request under section 14 of FOIA (vexatious requests). At internal review, BOB ICB maintained its position as regards section 14(1) of FOIA (vexatious requests) but also provided the complainant with some information in relation to the request and stated that it did not hold the rest. The Commissioner's decision is that the request was not a vexatious request. The Commissioner requires no steps to be taken.

FOI 14: Complaint upheld

[Decision notice IC-170472-Z2N0](#)

[Imperial College Healthcare NHS Trust](#)

9 Jan 2023, Health

The complainant requested information relating to the NHS England Emergency Preparedness, Resilience and Response Framework. By the date of this notice Imperial College Healthcare NHS Trust (the Trust) had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation. The Trust must provide a substantive response to the request in accordance with its obligations under FOIA. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-205705-Y3Q8](#)

[Leeds and York Partnership NHS Foundation Trust](#)

7 Jan 2023, Health

The Commissioner is satisfied that Leeds and York Partnership NHS Foundation Trust has satisfactorily addressed the complainant's request and has complied with section 1(1) and 10(1) of FOIA.

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

[Decision notice IC-202501-P4V0](#)

[NHS England](#)

4 Jan 2023, Health

The complainant requested information from NHS England relating to Evusheld. By the date of this notice NHS England had not issued a substantive response to this request. The Commissioner's decision is that NHS England 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.

FOI 10(1): Complaint upheld

[Decision notice IC-201541-H5J5](#)

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

4 Jan 2023, Health

In two requests, the complainant requested information associated with the price of a piece of equipment from Royal Brompton and Harefield hospitals, which is a subsidiary of Guy's and St Thomas' NHS Foundation Trust ('the Trust'). The Commissioner's decision is that the Trust has not provided a response under FOIA to the first request and has therefore not complied with section 10(1). The Trust is entitled to withhold the information requested in the second request under section 43(2) of FOIA as it is commercially sensitive. The public interest favours maintaining the exemption. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: Provide a response to the first request, of 13 March 2022, that complies with FOIA.

FOI 10: Complaint upheld FOI 43: Complaint not upheld

[Decision notice IC-172485-Q2Z7](#)

[NHS Business Services Authority](#)

3 Jan 2023, Health

The complainant requested information from NHS Business Services Authority about correspondence between the English Infected Blood Support Scheme and the Department of Health and Social Care. The Commissioner's decision is that NHS Business Services Authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

FOI 10: Complaint upheld

[Decision notice IC-205366-R8W6](#)

[Royal Brompton and Harefield NHS Foundation Trust](#)

3 Jan 2023, Health

The complainant requested information relating to fixed terms contracts for Specialist Doctors in the Paediatric Cardiology Department. By the date of this notice the Royal Brompton and Harefield NHS Foundation Trust (the Trust) had not issued a substantive response to this request. The Commissioner's decision is that the Trust

has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation. The Trust must provide a substantive response to the request in accordance with its obligations under FOIA. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-186699-J2T5](#)