



Humber and North Yorkshire
Health and Care Partnership



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

Freedom of Information (FOI) Quarterly Report

Quarter Two 2023/24 covering the period:
1 July to 30 September 2023

Freedom of Information Delivery Manager

Introduction

This report provides the Quarter Two 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 July to 30 September 2023 and a comparison against the previous quarter and the corresponding quarter from the previous financial year.

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 for the ICB from 1 July 2022.

	Quarter 1 2022/23	Quarter 2 2022/23	Quarter 3 2022/23	Quarter 4 2022/23	Quarter 1 2023/24	Quarter 2 2023/24
	Apr- Jun	Jul – Sep	Oct – Dec	Jan – Mar	Apr - Jun	Jul – Sep
Requests Received	Apr- Jun	Jul – Sep	Oct – Dec	Jan – Mar	Apr - Jun	Jul – Sep
Total number of FOI requests received:	N/A	72	89	120	142	148
Total Number of FOI Processed	N/A	71*	88*	118*	140*	145**
Number processed within 20 working days	N/A	71	88	118	140	144***
Percentage FOI processed within 20 working days	N/A	100%	100%	100%	100%	99.3%
Average time taken to process (days)	N/A	14	13	12	12	11

*Please see previous report for details.

** Clarification requested and not received for one request (HNY 0582), two further requests closed: HNY 0545 (dealt with as MP query) and HNY 0562 (withdrawn by applicant).

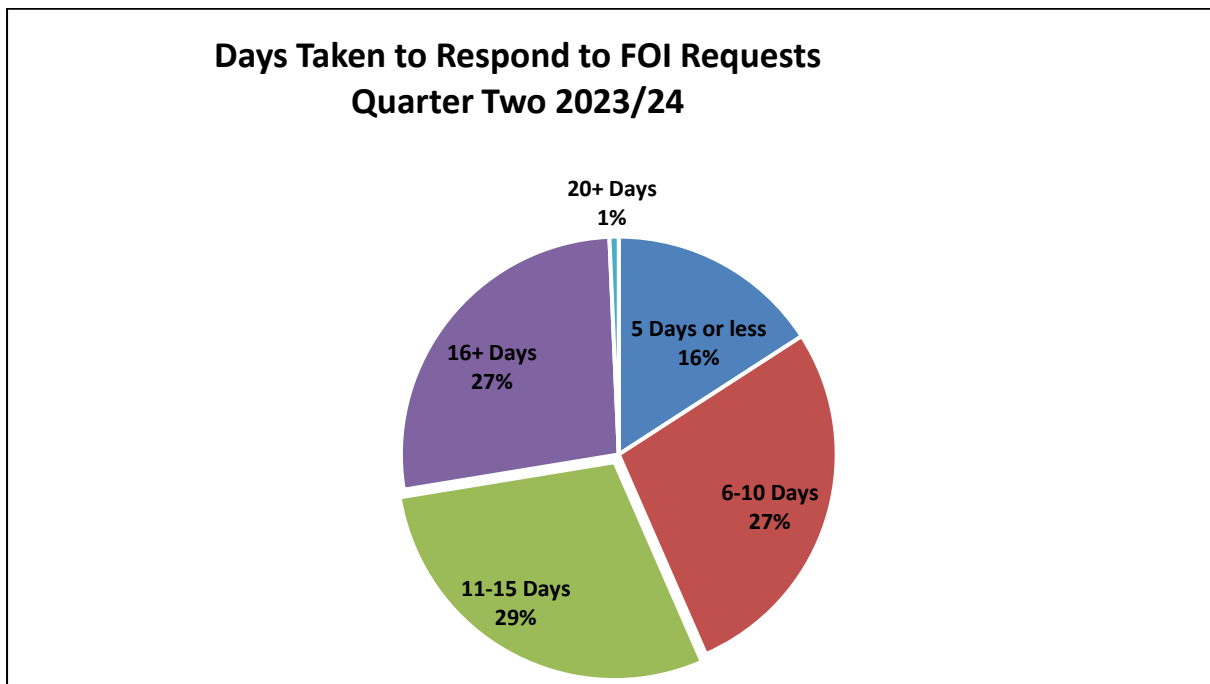
***HNY 0570 Issued on 32 Days – due to complex nature of request and the consideration of the Public Interest Test in relation to the application of an exemption.

Response Times

Quarter Two 2023/24 has seen an increase of 3.6% in the number of FOIA requests received and processed on the number of requests received and processed in Quarter One 2023/24. However, the number of requests received and processed in Quarter Two 2023/24 was 104% higher than that in Quarter Two 2022/23. Overall,

the average number of days to process the requests has gradually decreased since the ICB was established. This likely demonstrates that as the organisation has settled into existence, processes have become engrained and more customary.

A 99.3% compliance with the statutory 20-working day timeframe has been maintained throughout Quarter Two, with an average closure time of 11 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.

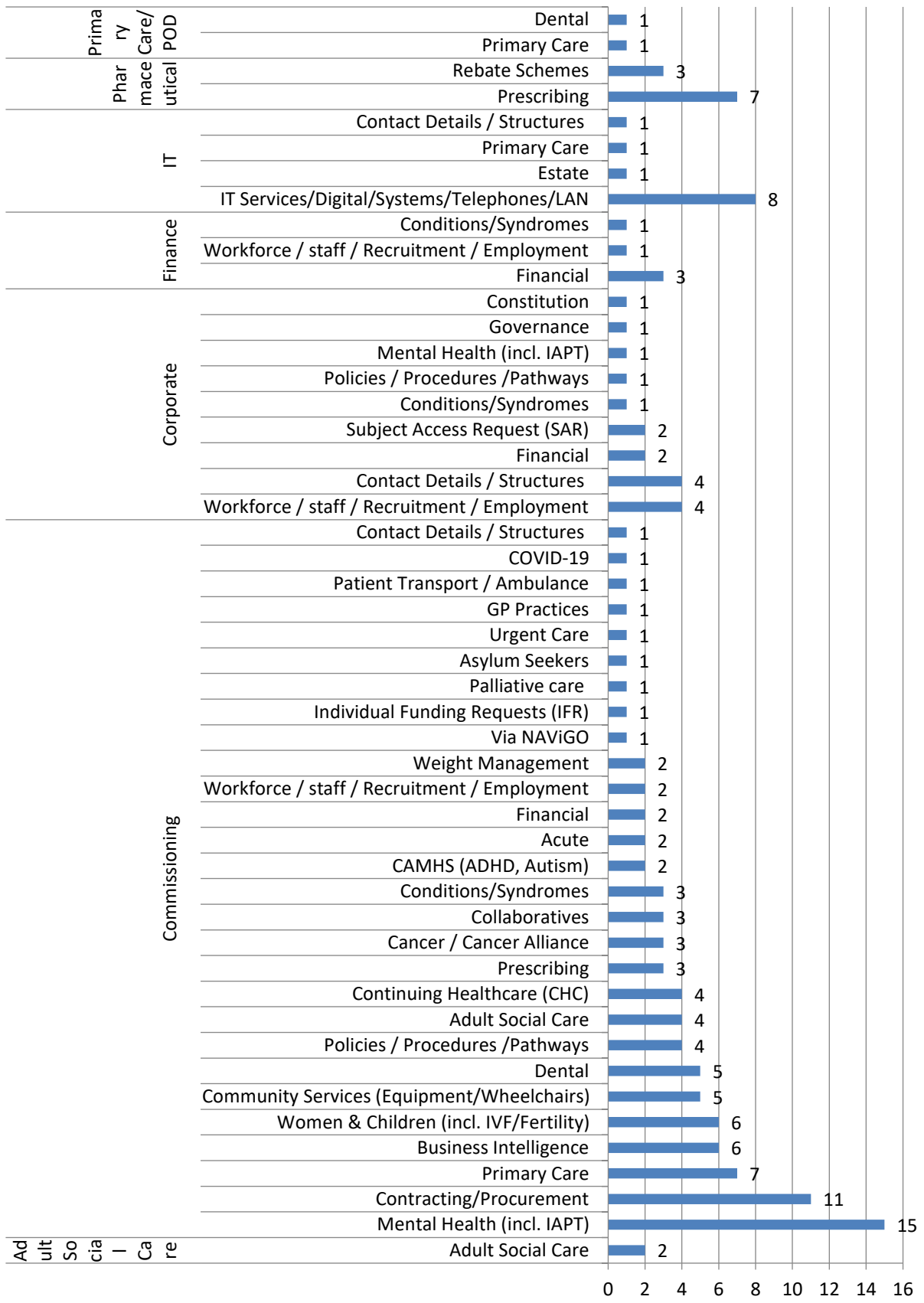
Subject Area of Request

The ICB has received FOI requests on various topics and in some cases the requests contain multiple questions for different 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 areas in Quarter Two were mental health commissioning, with a total of 15 requests, followed by requests relating to contracting/procurement, thus proving to be popular topics.

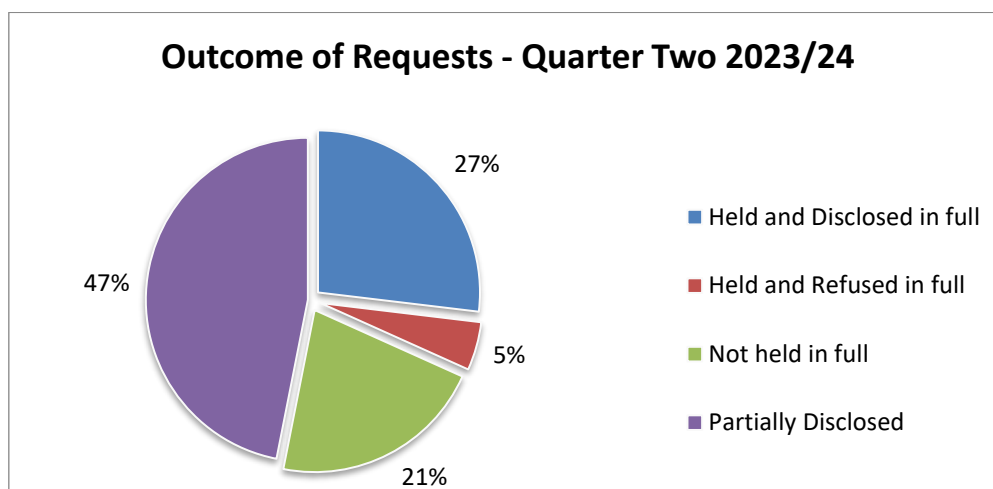
For a full illustration of the various topics for Quarter Two please see the chart below:

FOIs by Category - Quarter Two 2023/24



Outcome of Requests Processed

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



During Quarter Two of the 145 requests processed, 31 (21.4%) sought information that was not held by the ICB. 39 (26.9%) received information in full, 68 (46.9%) 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 (4.8%) were withheld in full as one or more exemptions applied. In total, 41 (28.3%) of the requests had one or more exemptions applied.

Exemptions

There were 57 exemptions applied in total during the quarter. The most applied exemptions this quarter were Section 21 with 21 instances, followed by Section 40 with 17 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
12 – Cost of compliance	7	9
21 – Accessible by other means	23	21
22 – Future Publication	2	5
31 – Law Enforcement	1	1
40 – Personal Data	8	17
41 – Information Provided in Confidence	0	1
42 – Legal and Professional Privilege	0	1
43 – Commercial Interests	0	2
Total	41	57

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.

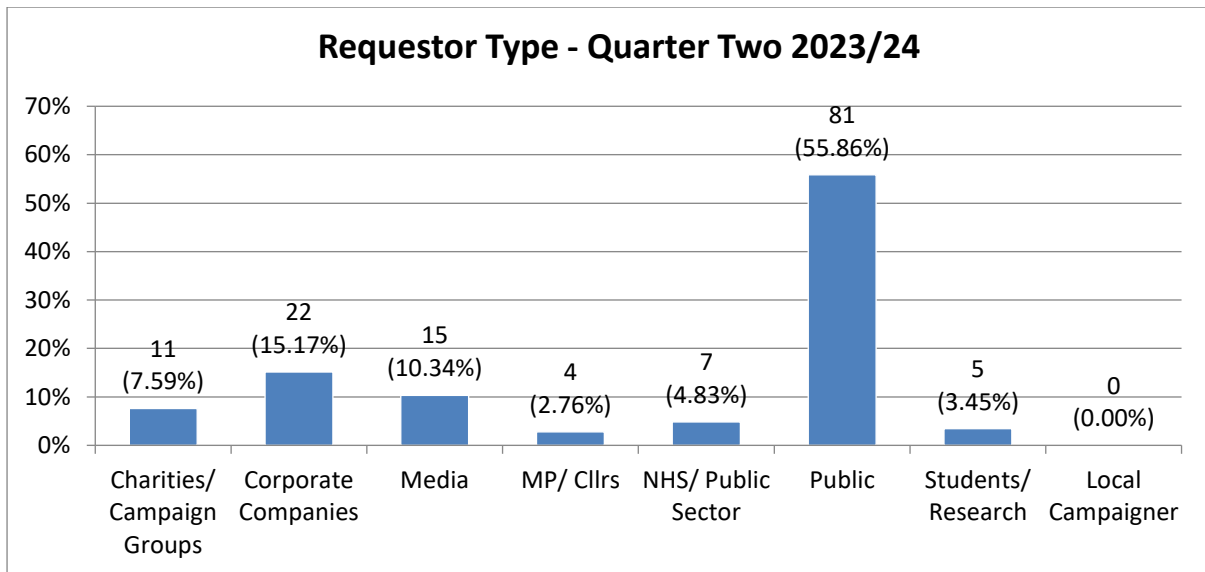
The table below shows which organisations were highlighted as sources of information and on how many occasions during the quarter:

	Quarter 1	Quarter 2
NHS-Acute	30	33
NHS-Mental Health	11	10
NHS Other	1	5
NHSE/I	2	2
GPs	4	2
Local Authority	5	9
NHS Digital	0	2
Independent Sector	12	7
CSU	0	0
Other	4	2
Total	69	72

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 following chart: the main types of requesters appear to be Individual Members of the Public during the quarter.



Figures are based on processed/completed requests only.

Internal Reviews

There were no Internal Review requests received during Quarter Two between 1 July and 30 September 2023.

Training

No FOIA specific training sessions were delivered during Quarter Two 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.

The FOI Team regularly review FOI records in line with retention schedule recommendations as set out in the latest [NHS Records Management Code of Practice](#).

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. Five responses were returned during Quarter Two. Four out of five responders rated the FOI service 4 or

above (1 being very unhelpful and 6 being very helpful). The questions, scores and responses received are shown in Appendix One.

In addition, applicants also provided two pieces of additional feedback. In one instance as the applicant stated they were redirected to the ICB by a Local Authority, and they suggested that Local Authority systems could be simpler for redirecting enquiries about matters for which the ICB are responsible and have delegated the powers and duties to the ICB. In another case, it was suggested that “Law language is very difficult for an ordinary person to understand, a more understanding way of describing thing would be a help”.

To address this feedback, it should be noted that the FOI Team strive to provide responses in plain English which are intended to be clear, avoid jargon and always expand on any acronyms used. In addition, the FOI Manager is looking to connect with partners’ FOI Teams and colleagues to explore how requests are handled across the ICB area.

Overall, 4 of the 5 applicants that provided feedback confirmed they were satisfied with how easy their FOI responses were to understand and how thoroughly their requests were answered.

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.

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 Two the ICO issued 59 decisions notices to the health sector and 2 relating to Adult Social Care. Those of note include:

Use of Section 12 – Cost of Compliance

One decision notice that may be of interest is [Decision notice IC-237694-C3K6](#), where the Trust aggregated the complainant’s requests and cited sections 12(4) and 12(1) (cost of compliance) of FOIA. However, the Commissioner’s decision was that although the Trust was entitled to aggregate the requests under section 12(4) of

FOIA it failed to provide a reasonable breakdown of the costs of the aggregated requests, e.g. evidence of its cost breakdown in locating, retrieving, and extracting the information to enable the Trust to provide a response and therefore it was not entitled to rely on section 12(1) of FOIA.

Use of Section 12 and Section 16 (Advice and Assistance)

Another decision notice of interest around the use of Section 12 – Cost of Compliance is [Decision notice IC-247028-S8F7](#), where the public authority relied on section 12 of FOIA (cost of compliance) to refuse the request. The Commissioner's decision was that the public authority was entitled to rely on section 12 of FOIA to refuse the request. However, the public authority failed to discharge its duty under section 16 of FOIA to provide advice and assistance.

Section 16 of FOIA requires a public authority to provide advice and assistance where it is reasonable to do so. The section 45 FOIA Code of Practice states that a public authority's advice and assistance obligation will be triggered when it relies on section 12 to refuse a request. In those circumstances the public authority should either suggest ways in which the requester could refine their request so as to bring it within the cost limit or explain that the request cannot be meaningfully refined.

In this case, the public authority did not suggest any way in which the request could be refined – nor did it state that it considered the request could not be refined.

The learning taken away from these decision notices is that when applying Section 12, it should be clear in the evidence of cost breakdown in locating, retrieving and extracting the information to enable the ICB to provide a response, and subsequently discharge its obligation under section 16 of FOIA to either provide advice and assistance how a request may be refined sufficiently to bring it within the appropriate limit or explain why none can be provided.

Further Information to Note

In addition to the ICO Decision Notices PDP FOI News updates have included articles around potential section 77 FOI offences by government departments (which states it is a criminal offence to alter, block, destroy or conceal information).

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 the period from 1 July to 30 September 2023, the ICB has received and processed 145 requests for information under FOIA. In most cases (46.9%), 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 26.9% of the requests received information in full. A small number

of cases (4.8%) were withheld in full as one or more exemptions applied. In total, 28.3% of the requests had one or more exemptions applied.

A 99.3% compliance with the statutory 20-working day timeframe has been maintained throughout the quarter, with an average closure time of 11 days.

There were no Internal Review requests received during Quarter Two between 1 July and 30 September 2023.

The key learning from the ICO Decision Notices it is suggested that when applying Section 12, evidence of cost breakdown in locating, retrieving and extracting the information to enable the ICB to provide a response should be made clear in the response, and under section 16 of FOIA to either provide advice and assistance how a request may be refined sufficiently to bring it within the appropriate limit or explain why none can be provided.

Freedom of Information Delivery Manager
February 2024

Appendix One

Survey Questions	Response 1	Response 2	Response 3	Response 4	Response 5
Q1. Thinking about your recent request to us under the Freedom of Information (FOI) Act: How easy to understand did you find the response?	Good	Poor	Satisfactory	Very good	Very good
Q2. How thoroughly did the response answer your request?	Good	Poor	Good	Very good	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	Yes	Yes	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	No	Not applicable	Yes	Not applicable

Survey Questions	Response 1	Response 2	Response 3	Response 4	Response 5
Q5. Did you understand the information provided on: how to request an Internal Review, complain to the ICB and to the Information Commissioner?	Yes	No	Yes	Yes	Yes
Q6. Before submitting your request did you look at information already published on the ICB website?	No	Yes	Yes	Yes	Yes
Q7. Was the Freedom of Information contact email address easy to find on the website?	Not applicable	No	Yes	Yes	Yes
Q8. Please rate the FOI response on a scale of 1 – 6 (with: 1 being very unhelpful and 6 being very helpful)	5	1	4	5	5

Survey Questions	Response 1	Response 2	Response 3	Response 4	Response 5
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)	5	1	5	5	5
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:	The request was redirected to you by NE Lincs council. Their systems could be simpler for redirecting enquiries about matters for which they are responsible and have delegated the powers and duties to yourselves	Law language is very difficult for an ordinary person to understand, a more understanding way of describing thing would be a help	-	-	-

DECISION NOTICES
Health Sector Related (59 in total)
Search for keywords: Adult Social Care (2)
1 July to 30 September 2023

Adult Social Care:

[City of Bradford Metropolitan District Council](#)

25 Aug 2023, Local government

The complainant has requested information regarding the **Adult Social Care** staff, who have worked at City of Bradford Metropolitan District Council (Council). The Commissioner's decision is that the Council has correctly relied on section 40(2) of FOIA. The Commissioner does not require any further action.

FOI 40(2): Complaint not upheld

[Decision notice IC-240682-R5K6](#)

[Department of Health and Social Care](#)

11 Jul 2023, Central government

The complainant has requested DHSC to disclose information relating to the process of evaluation for Evusheld (a medicine used to prevent Covid-19 in **adults** and adolescents). It disclosed some information to the complainant but then claimed a late reliance on section 12 of FOIA. The Commissioner's decision is that DHSC is entitled to rely on section 12 of FOIA. It provided appropriate advice and assistance to the complainant and has therefore met its obligations under section 16 of FOIA. The Commissioner does not require any further action to be taken.

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

[Decision notice IC-208015-J5L6](#)

Health:

[General Medical Council](#)

29 Sep 2023, Health

The complainant has requested the number of complaints made against Dr Eljamel. The GMC refused to provide the requested information under section 40(2) (personal information) of FOIA. The Commissioner's decision is that the GMC isn't entitled to withhold the requested information under section 40(2). The Commissioner requires the GMC to take the following steps to ensure compliance with the legislation: disclose the information.

FOI 40(2): Complaint upheld

[Decision notice IC-251769-W8N1](#)

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

28 Sep 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-254890-R7V0](#)

[Northamptonshire Healthcare NHS Foundation Trust](#)

28 Sep 2023, Health

The complainant has requested documents provided to an independent reviewer. The above public authority provided some information but the complaint considers more is held. The Commissioner's decision is that, on the balance of probabilities, the public authority has provided all the information it holds in recorded form. The public authority breached section 10 of FOIA as it provided some of the information it held outside of the 20 working day timeframe. The Commissioner does not require further steps to be taken.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-251441-C0F5](#)

[United Lincolnshire Hospitals NHS Trust](#)

27 Sep 2023, Health

The complainant requested information about responses to a consultation. The above public authority initially relied on section 40(2) of FOIA (personal data) to withhold the information, but disclosed it during the Commissioner's investigation. The Commissioner's decision is that the public authority disclosed information outside of the 20 working day timeframe and therefore breached section 10 of FOIA. The Commissioner does not require further steps to be taken.

FOI 10: Complaint upheld

[Decision notice IC-251179-K5C9](#)

[Medicines and Healthcare Products Regulatory Agency](#)

26 Sep 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-254720-B0Q1](#)

[Medicines and Healthcare Products Regulatory Agency](#)

25 Sep 2023, Health

The complainant has requested information about the Medicines & Healthcare products Regulatory Agency (MHRA) seeking further information from named vaccine companies that applied for temporary authorisation for COVID-19 vaccines. The MHRA refused to provide the information citing sections 38 (health and safety) and section 43(2) (commercial interests) of FOIA. The Commissioner's decision is that neither section 38 or section 43(2) is engaged. Additionally the MHRA breached section 10 of the FOIA by exceeding the legislative timeframe for responding to the request. The Commissioner requires the MHRA to take the following steps to ensure compliance with the legislation. • Disclose the information requested at parts a) and b) of the information request.

FOI 43(2): Complaint upheld FOI 38: Complaint upheld

[Decision notice IC-244363-G0J0](#)

[University Hospital of Derby and Burton NHS Foundation Trust](#)

25 Sep 2023, Health

The complainant has requested details of reviews carried out into maternity incidents. The above public authority ("the public authority") relied on section 21 of FOIA (reasonably accessible) to withhold most of the information and section 40(2) of FOIA (third party personal data) to withhold the remainder. The Commissioner's decision is that the public authority has: failed to comply with its duty under section 1(1) of FOIA in respect of part [1] of the request as it failed to identify all the information in scope or communicate it to the complainant; and correctly relied on section 21 of FOIA to withhold the information within the scope of parts [2] and [4] of the request and holds no further information within the scope of these parts; and correctly relied on section 40(2) of FOIA to withhold most of the information within the scope of part [3] of the request; and did not rely on section 41(1) of FOIA to withhold information relating to individuals who are deceased. The Commissioner has applied this exemption himself proactively; and failed to recognise that some of the information would not fall within the scope of either section 40(2) or 41(1) of FOIA. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: either provide the complainant with the number of individual investigations carried out during the period stated in the request, or issue a refusal notice citing a valid exemption from the duty to disclose this information; for each report falling within the scope of part [3], disclose the sub-section titled "safety recommendations; disclose one copy of the standard text contained in sections 1 and 2 of the investigation reports.

FOI 21: Complaint not upheld FOI 40: Complaint partly upheld FOI 41: Complaint partly upheld FOI 1: Complaint partly upheld

[Decision notice IC-247570-W5W7](#)

[General Dental Council](#)

22 Sep 2023, Health

The complainant has requested information regarding the General Dental Council's (GDC) contract with and services provided by GorkanaGroup. The GDC answered questions and provided information to the complainant who remained dissatisfied with the response to part (2) of the request, stating further information was held. The Commissioner's decision is that the GDC has provided all the information it is required to that it holds within the scope of part (2) of the request and has complied with its obligations under section 1 of FOIA.

FOI 1: Complaint not upheld

[Decision notice IC-246278-H3T0](#)

[General Medical Council](#)

15 Sep 2023, Health

The complainant has requested information from the General Medical Council (GMC) about a named doctor. The GMC stated some information was not held and for the information that was held it considered it was exempt under section 40(2) of FOIA. The Commissioner's decision is that the GMC has correctly withheld the information it identified as held under section 40(2) of FOIA. The GMC, on balance, holds no further information and has complied with its obligations under sections 1 and 10 of FOIA. The Commissioner does not require further steps.

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

[Decision notice IC-237491-Z6F2](#)

[Leeds Teaching Hospitals NHS Trust](#)

14 Sep 2023, Health

The complainant has requested information relating to the construction of new hospitals. Leeds Teaching Hospitals NHS Trust ('the Trust') disclosed some information but withheld some information under section 43(2) (commercial interests) of FOIA. The Commissioner's decision is that: the Trust should have handled the request under the Environmental Information Regulations ('the EIR') and therefore breached regulation 14(3) as it incorrectly issued its refusal under FOIA and not the EIR. Some of the withheld information engages regulation 12(5)(e) and the public interest favours maintaining the exception. However, other withheld information doesn't engage the exception. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation: Disclose the information requested in part 3 of the request.

EIR 12(5)(e): Complaint partly upheld

[Decision notice IC-251411-V6Z2](#)

[Barking Havering and Redbridge University Hospitals NHS Trust](#)

14 Sep 2023, Health

The complainant requested information from the Barking, Havering & Redbridge University Hospitals NHS Trust (Trust). 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 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 public authority 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 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(1): Complaint upheld

[Decision notice IC-253166-Y7M6](#)

[Belfast Health and Social Care Trust](#)

13 Sep 2023, Health

The complainant requested from Belfast Health and Social Care Trust (the Trust) information relating to new computers/desktops for particular teams. The Trust aggregated the request with the complainant's previous requests and cited sections 12(4) and 12(1) (cost of compliance) of FOIA. The Commissioner's decision is the Trust was entitled to aggregate the request under section 12(4) of FOIA. However, the Commissioner finds that the Trust failed to provide a reasonable breakdown of the costs of the aggregated requests, and therefore it was not entitled to rely on section 12(1) of FOIA. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation. • Issue a fresh response to the request that does not rely on section 12(1) of FOIA. 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 FOIA and may be dealt with as a contempt of court.

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

[Decision notice IC-237694-C3K6](#)

[Lancashire Teaching Hospitals NHS Foundation Trust](#)

12 Sep 2023, Health

The complainant has requested information regarding the appointment of "Insight" and "T-Pro" from the Lancashire Teaching Hospitals NHS Foundation Trust ('the Trust'). The Commissioner's decision is that the Trust was entitled to rely on Section 12(4) and Section 12(1) when refusing to respond to the requests. The Commissioner also finds that the Trust breached section 17 by failing to provide an appropriate refusal notice within 20 working days of the first request being made. The Commissioner does not require further steps.

FOI 17: Complaint upheld FOI 16: Complaint not upheld FOI 12: Complaint not upheld

[Decision notice IC-239015-N5W3 & IC-243458-G7P9](#)

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

12 Sep 2023, Health

The complainant has requested information regarding an investigation commissioned by the North East Ambulance Service NHS Foundation Trust (the Trust). The Trust provided some of the information but withheld other information citing sections 21, 41 and 40(2) of FOIA for doing so. The Commissioner's decision is that the Trust cited section 41 of FOIA appropriately for the most part and that the information should not be released, except for the majority of part three of the request. However, he has decided that the Trust cited section 21 incorrectly and the exemption is not engaged. He has only considered section 40(2) in relation to part three of the request where it is not engaged for reasons set out in this decision. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation.

- Disclose the 'Terms of Reference' as set out on pp 5-11 of the report.
- Disclose the 'Recommendations' on pp 187-190 with the exception of paragraph 2 on p.187.

FOI 21: Complaint upheld FOI 41: Complaint partly upheld FOI 40(2): Complaint upheld

[Decision notice IC-244064-J0P5](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

11 Sep 2023, Health

The Commissioner's decision is that Liverpool University Hospitals NHS Foundation Trust ('the Trust') is entitled to withhold the requested information about a building project under regulation 12(5)(b) of the EIR. This exception concerns the course of justice. It's not necessary for the Trust to take any corrective steps.

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

[Decision notice IC-250916-C3T1](#)

[UK Health Security Agency](#)

8 Sep 2023, Health

The complainant requested correspondence between Public Health England and the UK IPC cell from the UK Health Security Agency (the public authority). The Commissioner's decision is that the public 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. The Commissioner requires the public authority to provide a substantive response to the request in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-251783-Q8J6](#)

[London Ambulance Service NHS Trust](#)

8 Sep 2023, Health

The complainant has requested from the London Ambulance Service NHS Trust (“LAS”) information about its Cycle to Work scheme. LAS originally provided some information and also applied section 21 of the FOIA (information accessible to the applicant by other means) to the request. However, LAS subsequently identified additional information which it has not provided to the complainant. The Commissioner’s decision is that LAS has, on the balance of probabilities, failed to identify and disclose to the complainant, all of the information it holds within the scope of the request. The Commissioner requires LAS to Conduct a fresh search for all the requested information within the Human Resources department and issue a fresh response to the complainant’s request, and provide the further information already identified or cite a relevant exemption.

FOI 1: Complaint upheld

[Decision notice IC-244518-J7P0](#)

[Weardale Practice](#)

5 Sep 2023, Health

The complainant has requested information relating to complaints about GPs. The Practice withheld the requested information under section 40(2) (personal information). The Commissioner’s decision is that the requested information engages section 40(2) as to disclose it would breach the data protection principles. However, in disclosing information outside of the statutory timeframe, the Practice breached section 10 (time limits for compliance) of FOIA. The Commissioner doesn’t require the Practice to take any steps.

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

[Decision notice IC-237372-X5G1](#)

[Cardiff and Vale University Health Board](#)

4 Sep 2023, Health

The complainant requested, from the Cardiff and Vale University Health Board (the Health Board), information ultimately relating to an employment dispute between the complainant and the Health Board. During the Commissioner’s investigation, the Health Board revised its position. It now relies on section 14(1) of FOIA (vexatious or repeated requests). The Commissioner’s decision is that the Health Board is entitled to rely on section 14(1) of FOIA to refuse to comply with the request. He does not require any further steps as a result of this decision notice.

FOI 14(1): Complaint not upheld

[Decision notice IC-242010-C5D8](#)

[University Hospitals Coventry and Warwickshire NHS Trust](#)

31 Aug 2023, Health

The complainant requested information from University Hospitals Coventry and Warwickshire NHS Trust (the public authority). The Commissioner’s decision is that

the public 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-246938-H2J5](#)

[NHS England](#)

31 Aug 2023, Health

The complainant has requested, from NHS England, a copy of a report on the findings of an investigation relating to the governance and leadership of an NHS Trust, and compliance with its licence. NHS England disclosed a redacted copy, citing four exemptions to withhold parts of the report. The complainant has challenged the application of sections 31 (law enforcement), 36 (prejudice to effective conduct of public affairs) and 41 (information provided in confidence) of FOIA. The Commissioner's decision is that section 31 is engaged and that the balance of the public interest favours maintaining the exemption. He also finds that NHS England breached section 17(1) of FOIA because it failed to issue its refusal notice within 20 working days. The Commissioner does not require any further steps as a result of this decision notice.

FOI 17: Complaint upheld FOI 31: Complaint not upheld

[Decision notice IC-242743-F8R7](#)

[NHS England](#)

30 Aug 2023, Health

The complainant has requested specific internal emails. The Commissioner's decision is that NHS England has breached section 10(1) of the FOIA as it has not responded to the request, in accordance with the FOIA, within the required 20 working days. The Commissioner requires NHS England to take the following steps to ensure compliance with the legislation. Provide a response to the complainant's request in accordance with the FOIA. NHS England 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: Complaint upheld

[Decision notice IC-253363-T0W9](#)

[Kensington Partnership](#)

28 Aug 2023, Health

The complainant has requested information from Woodroyd Medical Practice (WMP), which is a part of Kensington Partnership (the Partnership), regarding the numbers of patients, their ethnicity and details about patients being removed from the practice. The Partnership initially responded by providing information, but the complainant did not consider it had provided what he had asked for. Following an internal review, the Partnership advised the complainant that the information was not

held. It also refused the request under section 14(1) of the FOIA – vexatious request. The Commissioner’s decision is that section 14(1) of the FOIA is engaged. The Commissioner does not require the Partnership to take any steps.

FOI 14: Complaint not upheld

[Decision notice IC-220411-W5P9](#)

[UK Health Security Agency](#)

25 Aug 2023, Health

The complainant has requested meta-data associated with an earlier information request of theirs to the UK Health Security Agency. The UK Health Security Agency (“UKHSA”) acknowledged the request but failed to respond within the time limits for compliance. The Commissioner’s decision is that the Council should have relied on section 14 of FOIA to refuse the request and has applied this exemption himself proactively. The Commissioner also finds that UKHSA breached section 10(1) of FOIA as it failed to provide its response within the statutory 20 working days. The Commissioner does not require further steps.

FOI 14(1): Complaint not upheld FOI 10(1): Complaint upheld

[Decision notice IC-244739-J7S2](#)

[Northamptonshire Healthcare NHS Foundation Trust](#)

24 Aug 2023, Health

The complainant has requested copies of legal advice. The above public authority denied that any information was held. 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 Commissioner does not require further steps to be taken.

Keywords/themes: meta-request

FOI 1: Complaint not upheld

[Decision notice IC-249185-X9G2](#)

[Stoke Surgery](#)

24 Aug 2023, Health

The complainant has requested statistics relating to a variety of diagnoses. Stoke Surgery disclosed some information within the scope of the request. The Commissioner’s decision is that, on the balance of probabilities, Stoke Surgery does not hold any further information within the scope of the request. However, Stoke Surgery breached section 10(1) of FOIA as it failed to provide its response to the complainant within the statutory 20 working days. The Commissioner does not require Stoke Surgery to take any further steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-241696-P0N1](#)

[NHS Business Services Authority](#)

23 Aug 2023, Health

The complainant has requested information about pension entitlement. 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 was entitled to rely on section 12 of FOIA to refuse the request. However, the public authority failed to discharge its duty under section 16 of FOIA to provide advice and assistance. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: either provide the complainant with advice and assistance to help him refine his request such that it falls within the cost limit; or if the request cannot be meaningfully refined, explain why this is the case.

FOI 16: Complaint upheld FOI 12: Complaint not upheld

[Decision notice IC-247028-S8F7](#)

[University Hospital of Derby and Burton NHS Foundation Trust](#)

22 Aug 2023, Health

The complainant has requested review documents associated with Mr Daniel Hay, which University Hospitals of Derby and Burton NHS Foundation Trust ('the Trust') has withheld under section 31(1)(c) of FOIA. The Trust considers that disclosing the information would be likely to prejudice the administration of justice. The Commissioner's decision is that the Trust is entitled to withhold the requested information under the exemption it's cited and the public interest favours maintaining the exemption. It's not necessary for the Trust to take any corrective steps.

FOI 31: Complaint not upheld

[Decision notice IC-238092-J0N0](#)

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

21 Aug 2023, Health

The complainant requested information from North East Ambulance Service NHS Foundation Trust ("the Trust") about "Audit One Report". 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 17: Complaint upheld FOI 10: Complaint upheld

[Decision notice IC-246527-N4S9](#)

[NHS England](#)

17 Aug 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-243033-H7V7](#)

[NHS England](#)

17 Aug 2023, Health

The complainant requested information NHS England about a specific document, that is no longer available on the NHS England website, but is referred to by other documents. The Commissioner's decision is that NHS England 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 NHS England to take the following steps to ensure compliance with the legislation. • NHS England must provide a substantive response to the request in accordance with its obligations under FOIA. 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 10(1): Complaint upheld

[Decision notice IC-247640-N4S3](#)

[NHS England](#)

16 Aug 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-244974-D8Y3](#)

[NHS England](#)

14 Aug 2023, Health

The complainant has requested correspondence between NHSE staff and the National Advisor for LGBT Health. NHS England disclosed some information but also withheld information under section 36(2)(b)(ii) (prejudice to the effective conduct of public affairs). The Commissioner's decision is that the withheld information engages section 36(2)(b)(ii) and the public interest lies in maintaining the exemption. The Commissioner does not require further steps.

FOI 10: Complaint upheld FOI 36(2)(b)(ii): Complaint not upheld

[Decision notice IC-228151-N0D3](#)

[Oxford University Hospitals NHS Foundation Trust](#)

11 Aug 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-244388-C8S2](#)

[Northern Ireland Ambulance Service Health and Social Care Trust](#)

11 Aug 2023, Health

The complainant has requested recruitment information from Northern Ireland Ambulance Service (NIAS). NIAS refused to disclose the information citing section 40(2) of FOIA (personal information). The Commissioner's decision is that NIAS was correct to rely on section 40(2) of FOIA to withhold the information. He also finds that NIAS failed to respond to the complainant's request within the statutory timeframe of 20 working days. On this basis the Commissioner finds that NIAS has breached section 10 of FOIA. The Commissioner does not require NIAS to take further steps.

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

[Decision notice IC-231145-N0T5](#)

[Medicines and Healthcare Products Regulatory Agency](#)

10 Aug 2023, Health

The Commissioner's decision is that the name that the complainant has requested is exempt from disclosure under section 38(1)(a) and section 40(2) of FOIA. This is because disclosure would be likely to endanger another's mental and physical health and the information is personal data which it would be unlawful to disclose. It isn't necessary for Medicines and Healthcare products Regulatory Agency to take any corrective steps.

FOI 40: Complaint not upheld FOI 38: Complaint not upheld

[Decision notice IC-237681-B5H2](#)

[Norfolk and Norwich University Hospitals NHS Foundation Trust](#)

9 Aug 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-244381-W2B2](#)

[Norfolk and Norwich University Hospitals NHS Foundation Trust](#)

8 Aug 2023, Health

The complainant requested information containing the exact phrase "Lateral Concepts". 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-241593-G6H9](#)

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

7 Aug 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-244380-B6K8](#)

[Medicines and Healthcare Products Regulatory Agency](#)

3 Aug 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-244091-P1B2](#)

[NHS England](#)

1 Aug 2023, Health

The complainant has requested information on the causes of serious incidents. The above public authority denied holding the information. The Commissioner's decision is that, on the balance of probabilities, the public authority does not hold the requested information. The Commissioner does not require further steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-240139-R8Q9](#)

[Quayside Medical Practice](#)

31 Jul 2023, Health

The complainant requested information from Quayside Medical Practice (the Practice) relating to a wide range of matters. The Practice refused the request under section 14(1) of FOIA (vexatious requests). The Commissioner's decision is that the request was vexatious and therefore the Practice was entitled to rely upon section 14(1) of FOIA to refuse it. The Commissioner does not require any steps.

FOI 14: Complaint not upheld

[Decision notice IC-241119-P2J7](#)

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

28 Jul 2023, Health

The complainant requested data about hospital transfers. The Commissioner's decision is that the above public authority failed to respond to the request within 20 working days and has therefore breached section 10 of FOIA. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Issue a substantive response, under FOIA, to the request.

FOI 10: Complaint upheld

[Decision notice IC-240131-G1Z3](#)

[NHS England](#)

26 Jul 2023, Health

The complainant has requested information from NHS England in relation to correspondence in which Evusheld is mentioned. NHS England advised that it does not hold any further requested information. The Commissioner's decision is that, on the balance of probabilities, NHS England does not hold any further information within the scope of the request. As NHS England failed to provide a substantial response within 20 working days, it has breached section 10 of FOIA. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 1: Complaint not upheld FOI 10(1): Complaint upheld

[Decision notice IC-235624-Y7S8](#)

[Southern Health and Social Care Trust](#)

25 Jul 2023, Health

The complainant has requested information relating to a specific care home. Southern Health and Social Care Trust (the Trust) responded that part of the request was not a request for recorded information. It relied on section 40(2) of the FOIA to withhold the information in relation to the rest of the request. The complainant disputed the Trust's refusal to provide the information to part 1 of their request. The Commissioner's decision is that the Trust was correct to rely on section 40(2) of the FOIA to refuse to provide the information to part 1 of the request in relation to the residents (service users). However he finds that section 40(2) of the FOIA is not engaged to the information to part 1 of the request in relation to the staff members. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation. Provide the complainant with the information requested to part 1 of the request in relation to the staff members. 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 FOIA and may be dealt with as a contempt of court.

FOI 40: Complaint partly upheld

[Decision notice IC-217791-W8Q7](#)

[Gateshead Health NHS Foundation Trust](#)

21 Jul 2023, Health

The complainant has requested information on complaints about a named surgeon. Gateshead Health NHS Foundation Trust ('the Trust') withheld the information under section 40(2) of FOIA as it considers it to be someone else's personal information. The Commissioner's decision is that the Trust correctly applied section 40(2) of FOIA

to the requested information. It's not necessary for the Trust to take any corrective steps.

FOI 40: Complaint not upheld

[Decision notice IC-238721-Y6G4](#)

[Cambridge University Hospitals NHS Foundation Trust](#)

19 Jul 2023, Health

The complainant requested information from Cambridge University Hospitals NHS Foundation Trust ("the Trust") about funding for a pilot post. The Trust cited section 43 of FOIA to withhold the requested information. However, the trust withdrew its reliance on section 43 of FOIA at internal review and disclosed the information it held in scope of the request. The Commissioner's decision is that, on the balance of probabilities, the Trust does not hold any further information in scope of the request. The Commissioner does not require any steps to be taken as a result of this decision.

FOI 1(1): Complaint not upheld

[Decision notice IC-212304-W6Q3](#)

[Medicines and Healthcare Products Regulatory Agency](#)

17 Jul 2023, Health

The complainant has requested information about Yellow Card reports relating to covid-19 vaccines. The Medicines and Healthcare Products Regulatory Agency (MHRA) refused to provide the requested information, citing section 12(1) (cost of compliance exceeds appropriate limit) of FOIA. The Commissioner's decision is that MHRA was entitled to rely on section 12(1) of FOIA to refuse to comply with the request. However, MHRA breached section 16 of FOIA in failing to provide the complainant with advice and assistance regarding refining their request. The Commissioner requires MHRA to take the following steps to ensure compliance with the legislation. • Provide the complainant with advice and assistance, so far as is reasonably practicable, in accordance with its obligations under section 16 of FOIA. 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 12: Complaint not upheld FOI 16: Complaint upheld

[Decision notice IC-235833-S6H9](#)

[NHS England](#)

13 Jul 2023, Health

The complainant has requested information from NHS England in relation to the Data Security & Protection toolkit submitted for 2021/2022. NHS England refused to provide the information, citing section 44(1)(a) of FOIA – prohibitions on disclosure. The Commissioner's decision is that NHS England was entitled to rely on section

44(1)(a) of FOIA. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 44(1)(a): Complaint not upheld

[Decision notice IC-235423-H2G0](#)

[Epsom and St Helier University Hospitals NHS Trust](#)

13 Jul 2023, Health

The complainant requested information from Epsom and St Helier University Hospitals NHS Trust (“the Trust”) relating to its zero tolerance policy and documentation referenced within the policy. The Commissioner’s decision is the Trust failed to provide an adequate response to the request as it responded to the first part, however it failed to respond to the second part. Consequently the Commissioner finds that the Trust breached section 1(1) and section 10(1) of the FOIA. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation. • The Trust must issue a fresh response to the second part of the complainant’s request which is adequate for the purposes of FOIA. 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 FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-240909-X4Q0](#)

[Harrogate and District NHS Foundation Trust](#)

12 Jul 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-236501-N6G5](#)

[Care Quality Commission](#)

11 Jul 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: Complaint upheld

[Decision notice IC-241423-Q7V9](#)

[Medicines and Healthcare Products Regulatory Agency](#)

10 Jul 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-235626-T4Y2](#)

[NHS England](#)

7 Jul 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: Complaint upheld

[Decision notice IC-243390-G2X3](#)

[NHS England](#)

7 Jul 2023, Health

The complainant has requested information on evaluation and scoring of certain questions relating to a prison procurement. NHS England refused the request on the basis of section 12 – that it would exceed the appropriate cost limit to comply. The Commissioner's decision is that NHS England has correctly applied section 12 to refuse the request and has provided advice and assistance under section 16 of FOIA. The Commissioner does not require further steps.

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

[Decision notice IC-228849-R8S0](#)

[Partners of Mount Pleasant Medical Centre](#)

6 Jul 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-237354-K6F8](#)

[NHS Bristol, North Somerset and South Gloucestershire Integrated Care ...](#)

6 Jul 2023, Health

The complainant has requested the names of specific members of staff. The NHS Bristol, North Somerset and South Gloucestershire Integrated Care Board "the public authority" refused to provide the requested information, citing section 40(2) (personal information) of FOIA. The Commissioner's decision is to disclose the requested information would breach the data protection principles and therefore should be withheld under section 40(2). The Commissioner does not require further steps.

FOI 40(2): Complaint not upheld

[Decision notice IC-225384-Q2C6](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

5 Jul 2023, Health

The complainant has requested minutes of New Hospital Committee Meetings from Liverpool University Hospitals NHS Foundation Trust (the Trust). The Trust redacted some of the information contained within the minutes, citing regulation 12(5)(b) (disclosure would adversely affect the course of justice) and regulation 13 (personal data) of the EIR. The Commissioner's decision is that the Trust is entitled to withhold the redacted information under regulations 12(5)(b) and 13 of the EIR. The Commissioner does not require the Trust to take further steps in relation to this request. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0324 under appeal.

EIR 13: Complaint not upheld EIR 12(5)(b): Complaint not upheld

[Decision notice IC-209259-H3M2](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

4 Jul 2023, Health

The complainant has requested information from Liverpool University Hospitals NHS Foundation Trust ("the Trust") regarding the minutes of committee meetings. The Trust disclosed some of the requested information to the complainant, however it redacted some, citing the exceptions at regulations 12(5)(b), 12(5)(e) and 13 of the EIR. The complainant has only complained about the Trust's application of regulation 12(5)(b), as the Trust has now withdrawn its reliance upon regulation 12(5)(e) and the complainant no longer wishes to complain about the redactions made under regulation 13. The Commissioner's decision is that the Trust is entitled to rely on regulation 12(5)(b) of the EIR – the course of justice, to withhold the remaining requested information ("the withheld information"). The Commissioner does not require to take any steps as a result of this decision notice. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2023/0321 under appeal.

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

[Decision notice IC-184462-S8T8](#)