



**Humber and North Yorkshire**  
Health and Care Partnership



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

# Freedom of Information (FOI) Quarterly Report

Quarter Three 2023/24 covering the  
period: 1 October to 31 December 2023

**Freedom of Information Delivery Manager**

## Introduction

This report provides the Quarter Three 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 October to 31 December 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	Quarter 3 2023/24
<b>Requests Received</b>	Apr- Jun	Jul – Sep	Oct – Dec	Jan – Mar	<b>Apr - Jun</b>	<b>Jul – Sep</b>	<b>Oct – Dec</b>
Total number of FOI requests received:	N/A	72	89	120	<b>142</b>	<b>148</b>	<b>129</b>
<b>Total Number of FOI Processed</b>	N/A	71*	88*	118*	<b>140*</b>	<b>145*</b>	<b>126**</b>
Number processed within 20 working days	N/A	71	88	118	<b>140</b>	<b>144*</b>	<b>125***</b>
Percentage FOI processed within 20 working days	N/A	100%	100%	100%	<b>100%</b>	<b>99.3%</b>	<b>99.2%</b>
<b>Average time taken to process (days)</b>	N/A	14	13	12	<b>12</b>	<b>11</b>	<b>14</b>

\*Please see previous report for details.

\*\*HNY 0631 – Request Closed – dealt with through Press Office/Media Enquiry. HNY 0664 - Request Closed – Clarification not received within set timeframe. HNY 0682 - Request Closed – Enquirer confirmed duplicate request.

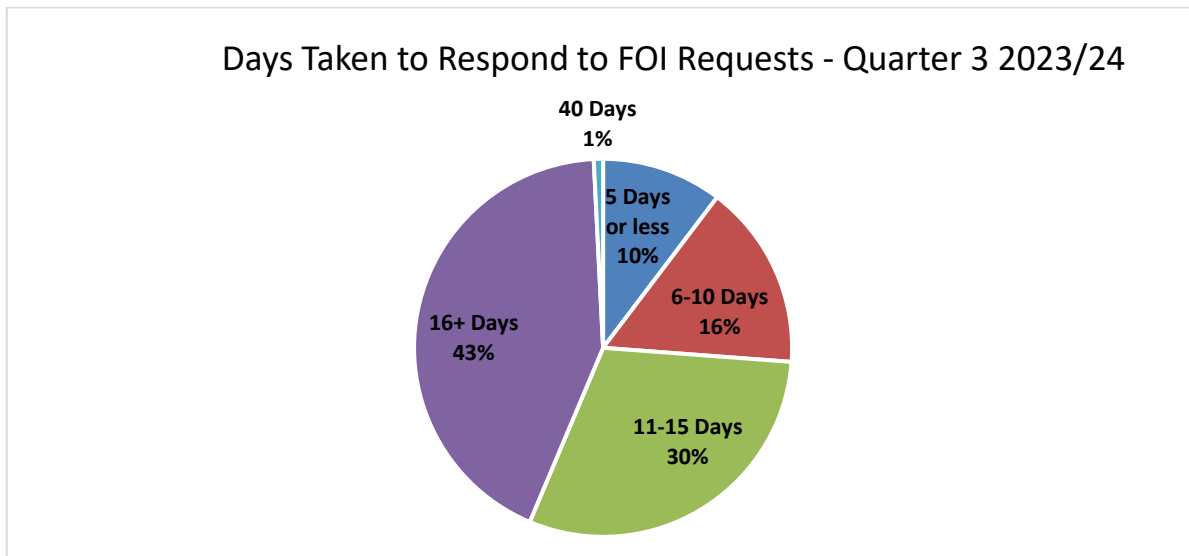
\*\*\*HNY 0605 – Holding letter issued on 20 days, whilst decision made regarding Public Interest Test, final response issued on 40 working days.

## Response Times

Quarter Three 2023/24 has seen a decrease of 13.1% in the number of FOIA requests received and processed on the number of requests received and processed in Quarter Two 2023/24. However, the number of requests received and processed in Quarter Three 2023/24 was 43.2% higher than that in Quarter Three 2022/23.

A 99.2% compliance with the statutory 20-working day timeframe has been maintained throughout Quarter Three, with an average closure time of 14 days. It should be noted, that although one request was completed outside of the 20 working deadline, this was by exception under Section 10(3) of the FOIA which enables an authority to extend the 20 working day limit up to a 'reasonable' time in any case where it requires more time to determine whether or not the balance of the public interest lies in maintaining a qualified exemption.

The chart below illustrates the numbers of days taken to complete FOI requests.



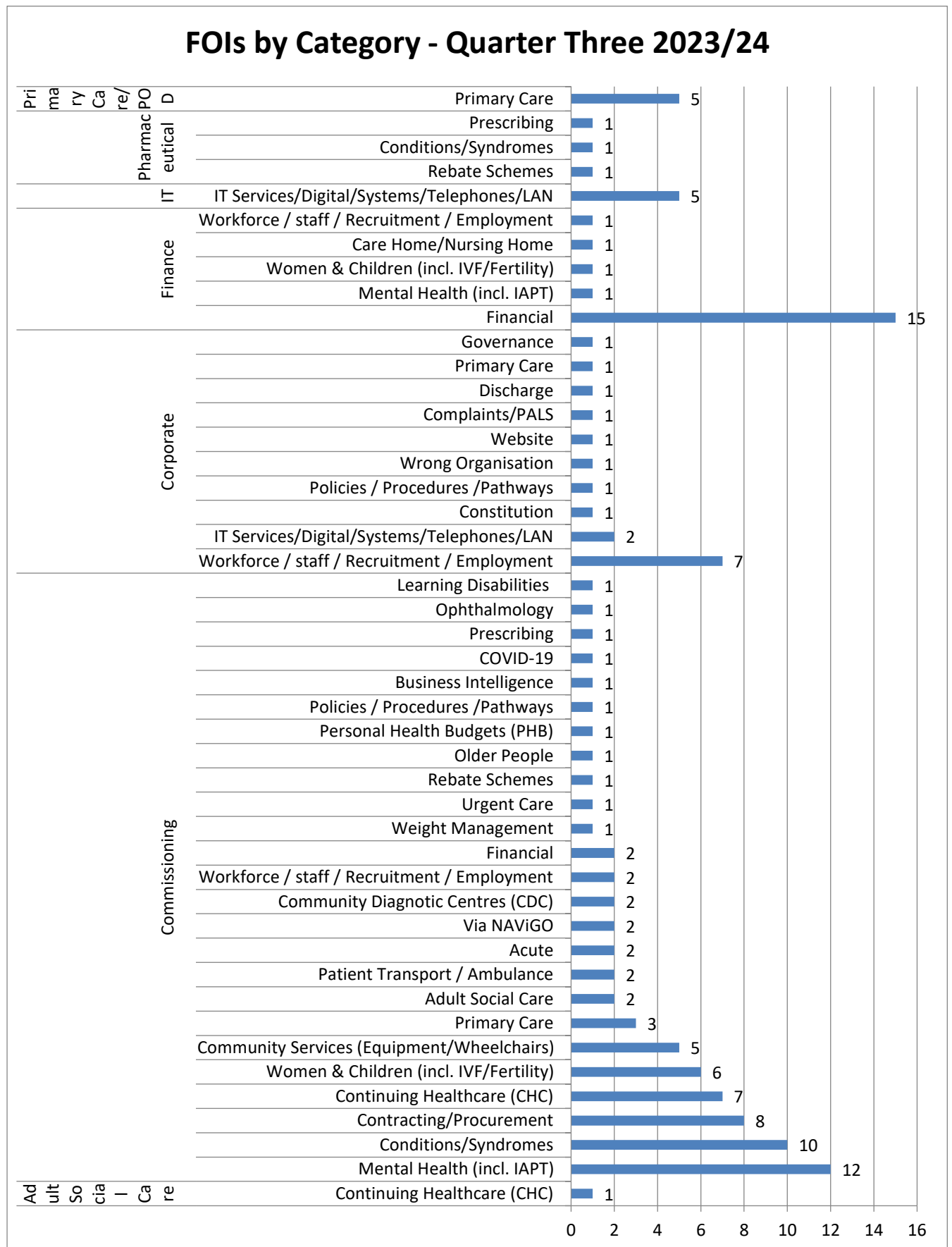
It is acknowledged that response times continue to be compliant with statutory timescales due to continuing support from colleagues and teams whose capacity has been impacted by their own workloads and organisational changes; and that support is greatly appreciated. The FOI Team continuously works closely with Teams/Directorates to update systems and processes to ensure requests are directed to the right person to improve quality and reduce duplication where possible.

### 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.

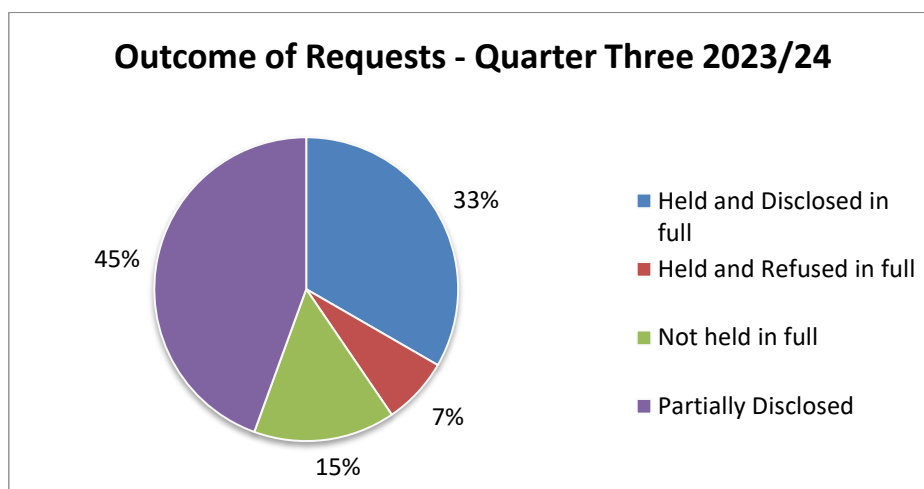
The FOI Team regularly review and update reporting parameters to ensure the most relevant information is provided in reports. Incoming FOI requests are recorded under a choice of 9 subject areas and 60 themes, many of which are detailed in the chart below. The requests received are diverse and singular, however, the predominant subject areas in Quarter Three were finance related, with a total of 15 requests, followed by requests relating to mental health commissioning, with a total of 12 requests, thus proving to be popular topics.

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



## Outcome of Requests Processed

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



During Quarter Three of the 126 requests processed, 19 (15.1%) sought information that was not held by the ICB. 42 (33.3%) received information in full, 56 (44.4%) 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. 9 (7.1%) were withheld in full as one or more exemptions applied. In total, 33 (26.2%) of the requests had one or more exemptions applied.

## Exemptions

There were 38 exemptions applied in total during the quarter. The most applied exemptions this quarter were Section 40 with 14 instances, followed by Section 21 and Section 12 with 10 and 9 instances respectively.

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
12 – Cost of compliance	7	9	9
21 – Accessible by other means	23	21	10
22 – Future Publication	2	5	2
31 – Law Enforcement	1	1	1
40 – Personal Data	8	17	14
41 – Information Provided in Confidence	0	1	0
42 – Legal and Professional Privilege	0	1	1
43 – Commercial Interests	0	2	1
<b>Total</b>	<b>41</b>	<b>57</b>	<b>38</b>

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.

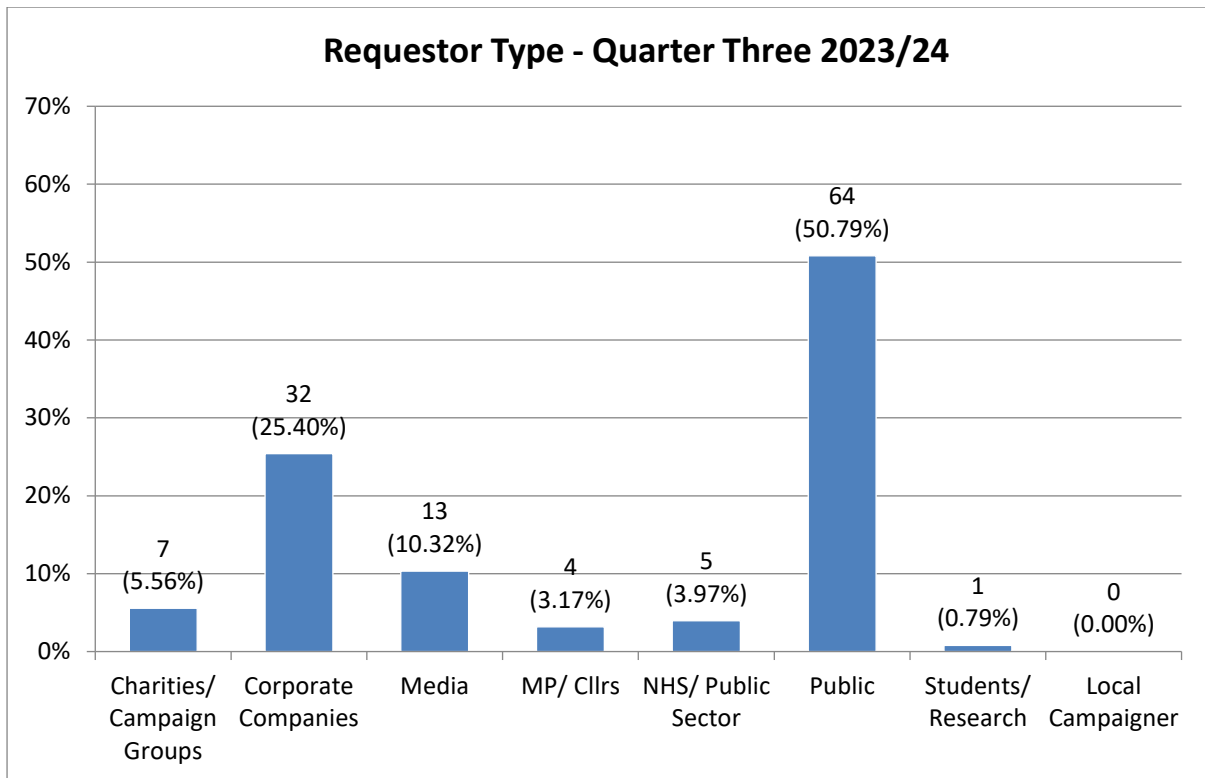
The table below shows which organisations were highlighted as sources of information and on how many occasions during the quarter:

	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>
NHS-Acute	30	33	11
NHS-Mental Health	11	10	6
NHS Other	1	5	2
NHSE/I	2	2	1
GPs	4	2	3
Local Authority	5	9	7
NHS Digital	0	2	0
Independent Sector	12	7	5
CSU	0	0	0
Other	4	2	0
<b>Total</b>	<b>69</b>	<b>72</b>	<b>35</b>

### 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 was one Internal Review request received during Quarter Three between 1 October and 31 December 2023.

The ICB instigated an Internal Review of the response, in particular the application of the Section 12 and Section 40 exemptions as requested by the applicant. Section 12 of the FOIA makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for Public Bodies is set at £450. Section 40, in this case was applied as the information constituted third party data. Section 40(2) provides that personal data about third parties is exempt if one of the conditions set out in section 40(3) is satisfied.

Having reviewed the request and the response in respect of application of Section 12 the position remained unchanged.

In respect of the application of Section 40 exemption, the ICB upheld that the withheld information constituted third party data and that releasing it would contravene one of the conditions under section 40(3)(a). The ICB considered it would be unfair to do so and disclosure would breach the first data protection principle, therefore Section 40(2) remains engaged as it remained the ICB's assertion that with such low numbers comes the possibility of the identification of a living individual.

However, the ICB expanded the previous data provided and disclosed responses by each individual place within the ICB area and identified where there were zero cases. The table provided in the Internal Review response showed that the small numbers only related to certain places within the ICB area and in relation to the specific criteria requested. The ICB believed that the Section 40 exemption was correctly applied in the original response, therefore the exemption was applied to the area statistics in the Internal Review response.

### **Training**

No FOIA specific training sessions were delivered during Quarter Three 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](#). At this time no further records have been identified for destruction.

### **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. Two responses were returned during Quarter Three. Both responders rated the service 6 out of 6. The questions, scores and responses received are shown in Appendix One.

Overall, the 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.



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

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

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

During Quarter Three the ICO issued 35 decisions notices to the health sector and none relating to Adult Social Care. During this period many of the decision notices (20) relate to authorities failing to respond to requests within the statutory time scales.

#### Further Information to Note

The following information relates to the FOI Act and has been extracted from PDP FOI News updates:

##### Authority fails on section 12 reliance

A local authority was unsuccessful in its attempted reliance on the costs limit exemption in relation to a request for correspondence between it and a third party. The Commissioner found that the authority's search was not sufficiently narrowed by, for example, searching only for emails sent to or from email addresses that included the third party's domain name. By not restricting its search in this way, the authority all but guaranteed that its initial search would identify irrelevant material. The Commissioner found that the authority had not employed a reasonable search strategy and therefore it followed that its estimate was also not reasonable.

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 October to 31 December 2023, the ICB has received and processed 126 requests for information under FOIA. In most cases (44%), 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 33% of the requests received information in full. A small number of cases (7%) were withheld in full as one or more exemptions applied. In total, 26% of the requests had one or more exemptions applied.

A 99.2% compliance with the statutory 20-working day timeframe has been maintained throughout the quarter, with an average closure time of 14 days. Although one request was completed outside of the 20-working deadline, this was by exception under Section 10(3) of the FOIA which enables an authority to extend the 20 working day limit up to a 'reasonable' time in any case where it requires more time to determine whether or not the balance of the public interest lies in maintaining a qualified exemption.

There was one Internal Review request received during Quarter Three between 1 October and 31 December 2023. Where the ICB upheld its original decision in relation the Sections/exemptions applied under FOIA, however, the ICB did disclose some additional information at Place level.

Freedom of Information Delivery Manager  
March 2024

## Appendix One

<b>Survey Questions</b>	<b>Response 1</b>	<b>Response 2</b>
Q1. Thinking about your recent request to us under the Freedom of Information (FOI) Act: How easy to understand did you find the response?	Very good	Very good
Q2. How thoroughly did the response answer your request?	Very good	Very good
Q3. If you received the response later than 20 working days, were you advised about the delay and kept informed about the progress?	Yes	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?	No	Not applicable
Q5. Did you understand the information provided on: how to request an Internal Review, complain to the ICB and to the Information Commissioner?	Yes	Yes
Q6. Before submitting your request did you look at information already published on the ICB website?	Yes	Yes
Q7. Was the Freedom of Information contact email address easy to find on the website?	Yes	Yes
Q8. Please rate the FOI response on a scale of 1 – 6 (with: 1 being very unhelpful and 6 being very helpful)	6	6
Q9. How satisfied were you with the quality of FOI service provided? on a scale of 1 – 6 (with: 1 being very unsatisfied and 6 being very satisfied)	6	6
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:	Nil response	Nil response

## Appendix Two

### **DECISION NOTICES** **Health Sector Related (35 in total)** **Search for keywords: Adult Social Care (0)** **1 October to 31 December 2023**

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

18 Dec 2023, Health

The complainant has requested information with regards to redundancies. The Commissioner's decision is that the University College of London Hospitals NHS Foundation Trust (the Trust) has breached section 10(1) of the FOIA as it has failed to respond to the request within the required 20 working day timeframe. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation. Respond to the complainant's request in accordance with the 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

[Decision notice IC-275340-S0Y1](#)

#### [Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust](#)

14 Dec 2023, Health

In relation to its gender identity service and adult patients, the complainant has asked Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust ('the Trust') how long someone might wait for a first appointment and for treatment to start if they were referred on the date of their request. The Trust's position is that it doesn't hold the requested information. The Commissioner's decision is that, on the balance of probabilities, the Trust doesn't hold the information requested in Q2 and Q3 of the complainant's request and has complied with section 1(1) of FOIA. It's not necessary for the Trust to take any corrective steps.

FOI 1: Complaint not upheld

[Decision notice IC-262267-Q8Y5](#)

#### [Croydon Health Services NHS Trust](#)

14 Dec 2023, Health

The complainant has requested information from Croydon Health Services NHS Trust (the Trust) about applicants for jobs. The Trust refused to provide the information, citing section 22 (future publication) of FOIA. Much later it provided some information but refused the request as a whole under section 12 of FOIA (cost of compliance). The Commissioner's decision is that the Trust has cited section 12(1) of FOIA appropriately. He also accepts that the Trust could not offer any

meaningful advice and assistance, given the context of the request. However, the Trust breached sections 1(1), 10(1) and 17(1) of FOIA. The Commissioner does not require further steps.

FOI 17: Complaint upheld FOI 1(1)(b): Complaint upheld FOI 12: Complaint not upheld FOI 10(1): Complaint upheld

[Decision notice IC-261362-W9S9](#)

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

12 Dec 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-266869-R5T3](#)

### [Care Quality Commission](#)

12 Dec 2023, Health

The complainant made an eleven part request to the Care Quality Commission (the CQC) for information relating to the North East Ambulance Service NHS Foundation Trust (NEAS). The CQC disclosed some information within the scope of the request, but refused to provide some information on the grounds that it was not held by the CQC and withheld other information under section 40(2) of FOIA (personal data). The Commissioner's decision is that the CQC is entitled to rely on section 40(2) of FOIA to withhold the information. However, the Commissioner has recorded a breach of section 10 of FOIA. The Commissioner does not require the CQC to take any steps as a result of this decision notice.

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

[Decision notice IC-244946-Y2D4](#)

### [NHS Greater Manchester Integrated Care Board](#)

12 Dec 2023, Health

The complainant requested information from NHS Greater Manchester Integrated Care Board ('the Care Board'). By the date of this notice the Care Board had not issued a substantive response to this request. The Commissioner's decision is that the Care Board 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 Care Board to take the following step to ensure compliance with the legislation. The Care Board must provide a substantive response to the request in accordance with its obligations under FOIA. The Care Board 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-271203-C6W7](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

11 Dec 2023, Health

The complainant has requested information held by the Trust explaining an estimate cost quoted in a Trust Board paper. The Trust identified information in a Full Business Case that would provide detail about this figure but withheld this on the basis of regulation 12(4)(d). The Commissioner's decision is that the exception is engaged but the public interest favours disclosure of the requested information. The Commissioner requires the Trust to disclose the information in scope of the request, as identified and highlighted by the Trust in the Full Business Case.

EIR 12(4)(d): Complaint upheld

[Decision notice IC-251771-H0Z4](#)

[NHS England](#)

4 Dec 2023, Health

The complainant has requested information relating to NHSE's review into the North East Ambulance Service NHS Foundation Trust. The Commissioner's decision is that NHSE has now disclosed all the information to which the complainant is entitled and therefore met its obligations under FOIA. It however breached sections 1(1)(b) and 10 of FOIA for communicating information to which the complainant was entitled late, requesting unnecessary clarification for one element of the request and failing to respond to the request within the statutory timeframe for compliance. The Commissioner does not require further steps.

FOI 10: Complaint upheld FOI 1: Complaint partly upheld

[Decision notice IC-253640-K7R9](#)

[Medicines and Healthcare Products Regulatory Agency](#)

30 Nov 2023, Health

The complainant has requested information demonstrating conditions of authorisation for a Pfizer vaccine were met. The MHRA refused the request under section 12 of FOIA as it would exceed the appropriate cost limit to comply. The Commissioner's decision is that the MHRA has correctly applied section 12 to refuse the request and has also complied with section 16 of FOIA by providing advice and assistance to refine the request. The Commissioner does not require further steps.

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

[Decision notice IC-254831-S5N2](#)

[Oxford University Hospitals NHS Foundation Trust](#)

28 Nov 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-265701-P0K8](#)

#### [Northern Health and Social Care Trust](#)

28 Nov 2023, Health

Following the issue of the Decision Notice it was brought to the Commissioner's attention that Northern Health and Social Care Trust had responded to the request on 13 November 2023 but failed to inform the Commissioner. The Commissioner wishes to clarify this point and that the remedial step is not required on this occasion. However, the finding in the Decision Notice of a breach remains accurate due to the time taken to respond to the request.

FOI 10(1): Complaint upheld

[Decision notice IC-268478-F7Z8](#)

#### [South West Ambulance Service NHS Foundation Trust](#)

23 Nov 2023, Health

The complainant has requested information from the South Western Ambulance Service Trust ("SWAST") in relation to a specific review. SWAST has provided some information but says that no further information is held in relation to the request. The Commissioner's decision is that on the balance of probabilities, SWAST does not hold any further information within the scope of the request. It was also correct to withhold some personal data under section 40(2) of FOIA. However, SWAST failed to provide a response within 20 working days and as such, it has breached section 10(1) of FOIA. The Commissioner does not require any steps as a result of this decision notice.

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

[Decision notice IC-248229-P4J2](#)

#### [General Pharmaceutical Council](#)

22 Nov 2023, Health

The complainant has requested information relating to a specific court case. The General Pharmaceutical Council ("the GPC") refused to disclose the requested information, citing section 32 (court records) of FOIA. The Commissioner's decision is that the requested information is exempt from disclosure under section 32. The Commissioner does not require further steps.

FOI 32: Complaint not upheld

[Decision notice IC-269518-B5P5](#)

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

22 Nov 2023, Health

The complainant has requested from University Hospitals of Derby and Burton NHS Foundation Trust (the Trust) information relating to section 47 child protection investigations. The Trust initially applied section 12 of the FOIA (cost exceeds appropriate limit) to refuse the request. However, during the course of the Commissioner's investigation, the Trust revised its position and denied holding information within the scope of the request. The Commissioner's decision is that the Trust has, on the balance of probabilities, failed to identify information within the scope of the request and issue an appropriate refusal notice. The Commissioner requires the Trust to Conduct a fresh search for information within the scope of the request, and issue a fresh response to the request confirming whether or not it holds the information. If the information is not held it must clearly explain why this is the case. Any information that it does identify, it must either disclose or provide an appropriate refusal notice compliant with section 17 of the FOIA.

FOI 1: Complaint upheld

[Decision notice IC-251488-G1P9](#)

### [North West Anglia NHS Foundation Trust](#)

20 Nov 2023, Health

The complainant has requested copies of any reviews undertaken by an external consultant on behalf of North West Anglia NHS Foundation Trust (the Trust). The Trust identified one report in scope of the request but considered it exempt under section 41 of FOIA – that the information was provided in confidence. The Commissioner's decision is that the Trust has failed to demonstrate the section 41 exemption is engaged. The Commissioner requires the Trust to disclose the information in scope of the request – the document entitled "Leadership and Culture".

FOI 41: Complaint upheld

[Decision notice IC-245797-G5Z1](#)

### [NHS England](#)

20 Nov 2023, Health

In three requests, the complainant requested information about briefing given to the Chief Medical Officer following a meeting associated with the COVID-19 pandemic. NHS England (NHSE) initially advised it didn't hold information within scope of requests 2 and 3 and disclosed information relevant to request 1 with personal data redacted under section 40(2) of FOIA. NHSE subsequently identified information that fell within scope of requests 2 and 3 and disclosed this, having again redacted some personal data. The Commissioner's decision is as follows: NHSE holds no further information within scope of the requests and has complied with section 1(1) of FOIA. NHSE is entitled to withhold the redacted information in two disclosed email exchanges under section 40(2) as it's other people's personal data and disclosing it wouldn't be lawful. NHSE breached section 10(1) and 17(1) of FOIA as it didn't



comply with section 1(1) or provide a section 40 refusal notice within the statutory timeframe. It's not necessary for NHS England to take any corrective steps.  
FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 40: Complaint not upheld FOI 1: Complaint not upheld

[Decision notice IC-250852-W4R1](#)

### [NHS England](#)

13 Nov 2023, Health

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

FOI 10(1): Complaint upheld

[Decision notice IC-269610-Q3G8](#)

### [Black Country Integrated Care Board](#)

13 Nov 2023, Health

The complainant has requested review material in relation to Operation Satchel. The NHS Black Country Integrated Care Board "the public authority" refused to provide the requested information, citing section 38(1)(a) (health and safety) and section 40(2) (personal information) of FOIA. The Commissioner's decision is that, on the balance of probabilities, the public authority has identified all of the information within the scope of the request. The information it does hold is exempt under section 38(1)(a). The Commissioner does not require further steps.

FOI 1: Complaint not upheld FOI 38: Complaint not upheld

[Decision notice IC-260356-D0H7](#)

### [Liverpool University Hospitals NHS Foundation Trust](#)

13 Nov 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.

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

[Decision notice IC-262127-Y7T8](#)

### [Kingston Hospital NHS Foundation Trust](#)

10 Nov 2023, Health

The complainant has requested information from Kingston Hospital NHS Foundation Trust (the Trust) about applicants for jobs. The Trust refused to provide some of the information, citing sections 12 (cost of compliance) and section 22 (future publication) of FOIA. The Commissioner's decision is that the Trust has cited section

12(1) of FOIA appropriately. He also accepts that the Trust could not offer any meaningful advice and assistance within the context of the request. However, the Trust breached sections 1(1)(b), 10(1) and 17(1) of FOIA. The Commissioner does not require further steps.

FOI 17: Complaint upheld FOI 16: Complaint not upheld FOI 1(1)(b): Complaint upheld FOI 12: Complaint not upheld FOI 10(1): Complaint upheld

[Decision notice IC-261370-F4T1](#)

### General Dental Council

9 Nov 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-260064-H0L6](#)

### Medicines and Healthcare Products Regulatory Agency

8 Nov 2023, Health

The complainant has requested MHRA to disclose information relating to section 3 of its 2021 Annual Report entitled “Delivering High Standards in Medicines Advertising Regulation”. MHRA advised the complainant that it does not hold any recorded information falling within the scope of their request. The Commissioner’s decision is that on the balance of probabilities MHRA does not hold any recorded information falling within the scope of the complainant’s request. He does not require any further steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-245170-Y5T6](#)

### Kingston Hospital NHS Foundation Trust

7 Nov 2023, Health

The complainant has requested information relating to the sale of land by Kingston Hospital NHS Foundation Trust (“the public authority”). The public authority withheld some of the information requested, citing section 43 of FOIA (commercial interests) as its basis for doing so. The Commissioner’s decision is that the commercial confidentiality exception under regulation 12(5)(e) of the EIR is engaged for the withheld information and that the public interest favours maintaining the exception. However, as the public authority failed to issue its refusal notice within 20 working days, and also incorrectly considered the request under the FOIA rather than the EIR, the Commissioner has found a breach of regulation 14(2) and 14(3) of the EIR respectively. The Commissioner does not require further steps.

EIR 14(3): Complaint upheld EIR 12(5)(e): Complaint not upheld EIR

14(2): Complaint upheld

[Decision notice IC-251512-P4H8](#)

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

30 Oct 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-261357-J9G2](#)

### [Croydon Health Services NHS Trust](#)

30 Oct 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. Information Tribunal FTT EA/2023/0491 under appeal.

FOI 10(1): Complaint upheld

[Decision notice IC-261537-R0L0](#)

### [Devon Partnership NHS Trust](#)

25 Oct 2023, Health

The complainant has requested information on complaints about senior staff and the number of staff employed by Devon Partnership NHS Trust ('the Trust'). The Trust withheld the information under section 40(2) of FOIA as it considers it to be someone else's personal data. The Commissioner's decision is that the Trust incorrectly applied section 40(2) of FOIA to part 2 of the request. However the Trust correctly applied this exemption to the information requested in part 1. The Trust must take the following step to ensure compliance with the legislation: Provide a response, that complies with FOIA, to the request for the number of staff at the organisation.

FOI 40: Complaint partly upheld

[Decision notice IC-252138-Y5Y4](#)

### [General Dental Council](#)

23 Oct 2023, Health

The complainant has requested from the General Dental Council (GDC) information about 'points of learning' relating to a fitness to practice (FTP) case. The GDC answered some of the questions asked and withheld some information, citing section 42 of the FOIA (legal professional privilege). The Commissioner's decision is that the GDC is entitled to rely on section 42 to withhold the requested information. The Commissioner does not require the GDC to take any steps.

FOI 42: Complaint not upheld

[Decision notice IC-249801-G6G8](#)

### [General Dental Council](#)

13 Oct 2023, Health

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

FOI 10: Complaint upheld

[Decision notice IC-258973-K6C3](#)

### [Liverpool University Hospitals NHS Foundation Trust](#)

13 Oct 2023, Health

The complainant has requested copies of lessons learned reports. The above public authority provided redacted copies of each report, relying on sections 40 (personal data), 41 (breach of confidence) and 42 (legal professional privilege) of FOIA to make the redactions. The Commissioner's decision is that the public authority has correctly relied on sections 40 and 41 to withhold information. In respect of section 42, the exemption applies to some, but not all of the information to which it has been applied. Where the exemption is engaged, the balance of the public interest favours maintaining it. The public authority breached section 17 of FOIA because it failed to provide a refusal notice, within 20 working days, stating all the exemptions that it ultimately came to rely upon to withhold information. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: Disclose all the redacted information in the boxes titled "If known..." and "Do you recommend..." in each report with the exception of the documents the public authority has identified to the Commissioner as LLR 3, LLR 10 and LLR 26. For document LLR 26 only, disclose the information contained in the box titled "Has the Trust..." Keywords/themes: litigation privilege

FOI 17: Complaint upheld FOI 42: Complaint partly upheld FOI 40: Complaint not upheld FOI 41: Complaint not upheld

[Decision notice IC-251239-S8K6](#)

### [Frimley Health NHS Foundation Trust](#)

12 Oct 2023, Health

The complainant requested information from Frimley Health NHS Foundation Trust (the Trust). 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-257721-B3N8](#)

[University Hospitals Sussex NHS Foundation Trust](#)

11 Oct 2023, Health

The complainant has requested cost information relating to legal cases. University Hospitals Sussex NHS Foundation Trust ('the public authority') refused to confirm or deny whether information was held, citing 40(5A) (personal information) of FOIA. The Commissioner's decision is the public authority was entitled to neither refuse or deny whether it holds the requested information. The Commissioner does not require further steps.

FOI 40(5a): Complaint not upheld

[Decision notice IC-255095-H4P4](#)

[Medicines and Healthcare Products Regulatory Agency](#)

6 Oct 2023, Health

The complainant has requested Medicines and Healthcare products Regulatory Authority (MHRA) to disclose the FOI responses it has issued for the period 2 May 2022 to 31 December 2022, which to date have not been published on its website. MHRA refused to disclose the requested information citing section 22 of FOIA (information intended for future publication). The Commissioner's decision is that MHRA is entitled to rely on section 22 of FOIA. He has however found MHRA in breach of section 17 of FOIA, as it was late in issuing its refusal notice. The Commissioner does not require any corrective steps to be taken.

FOI 17: Complaint upheld FOI 22: Complaint not upheld

[Decision notice IC-244273-D7H7](#)

[Bolton NHS Foundation Trust](#)

5 Oct 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. Information Tribunal FTT EA/2023/0441 under appeal.

FOI 10: Complaint upheld

[Decision notice IC-258257-V7Y7](#)

[University Hospitals Dorset NHS Foundation Trust](#)

2 Oct 2023, Health

The complainant has requested information relating to maternity services at University Hospitals Dorset NHS Foundation Trust (the Trust). The Trust provided some information to the complainant and stated other information was not held. The Commissioner's decision is that, on the balance of probabilities, the Trust has provided all of the information it holds falling within the scope of the request, and therefore it has complied with section 1 of the FOIA. The Commissioner finds the Trust breached section 10 (time limits for compliance) of FOIA by not responding to

the request within 20 working days. The Commissioner does not require the Trust to take any steps as a result of this decision.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-238030-V7G0](#)

### [University Hospitals Dorset NHS Foundation Trust](#)

2 Oct 2023, Health

The complainant has requested information relating to maternity services at University Hospitals Dorset NHS Foundation Trust (the Trust). The Trust provided some information to the complainant and stated other information was not held. The Commissioner's decision is that, on the balance of probabilities, the Trust has provided all of the information it holds falling within the scope of the request, and therefore it has complied with section 1 of the FOIA. The Commissioner finds the Trust breached section 10 (time limits for compliance) of FOIA by not responding to the request within 20 working days. The Commissioner does not require the Trust to take any steps as a result of this decision.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-238030-V7G0 \(1\)](#)