



Humber and North Yorkshire
Health and Care Partnership



Humber and
North Yorkshire
Integrated Care Board (ICB)

Freedom of Information (FOI) Quarterly Report

Quarter One 2024/25 covering the period:
1 April to 30 June 2024

Freedom of Information Delivery Manager

Introduction

This report provides the Quarter One position for requests received by NHS Humber and North Yorkshire Integrated Care Board (ICB) under the Freedom of Information Act 2000 (FOIA) during the period 1 April to 30 June 2024 and a comparison against the previous quarter and the corresponding quarter from the previous financial year.

Volume of Requests and Timeliness of Responses

The table below shows quarterly comparisons for the ICB from 1 April 2023.

	Quarter 1 2023/24	Quarter 2 2023/24	Quarter 3 2023/24	Quarter 4 2023/24	Quarter 1 2024/25
Requests Received	Apr - Jun	Jul – Sep	Oct – Dec	Jan – Mar	Apr – Jun
Total number of FOI requests received:	142	148	129	147	140
Total Number of FOI Processed	140*	145*	126*	142*	138**
Number processed within 20 working days	140	144*	125*	142	137***
Percentage FOI processed within the statutory timeframes	100%	99.3%	99.2%	100%	100%
Average time taken to process (days)	12	11	14	11	12

*Please see previous report for details.

**HNY 0950 – Request closed as clarification request and not received within set timeframe. HNY 0999 – Clarification requested and not yet received.

***HNY 0922 – Public Interest Test extension – see below.

Response Times

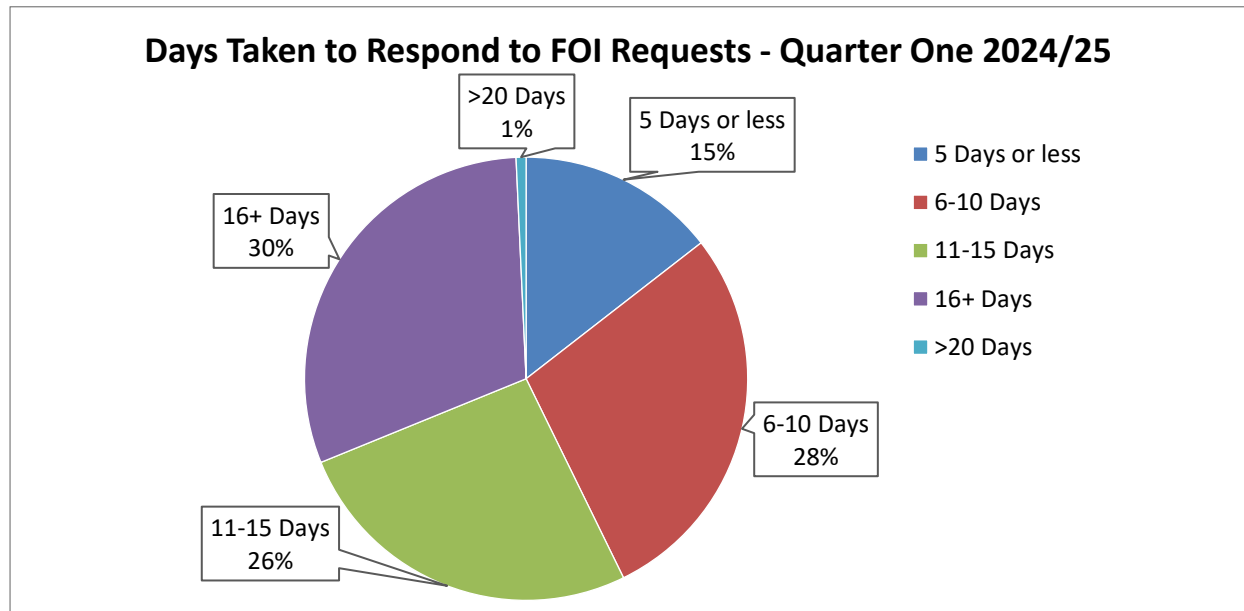
Quarter One 2024/25 has seen a decrease of 2.8% in the number of FOIA requests received and processed on the number of requests received and processed in Quarter Four 2023/24. The number of requests received and processed in Quarter One 2024/25 was 1.4% less than that in Quarter One 2023/24.

A 100% compliance with the statutory timeframes has been maintained throughout Quarter One, with an average closure time of 12 days.

It should be noted, that although one request appears to have been completed outside of the 20 working day 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 cases 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 the ICB is able to maintain high response times in line 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.

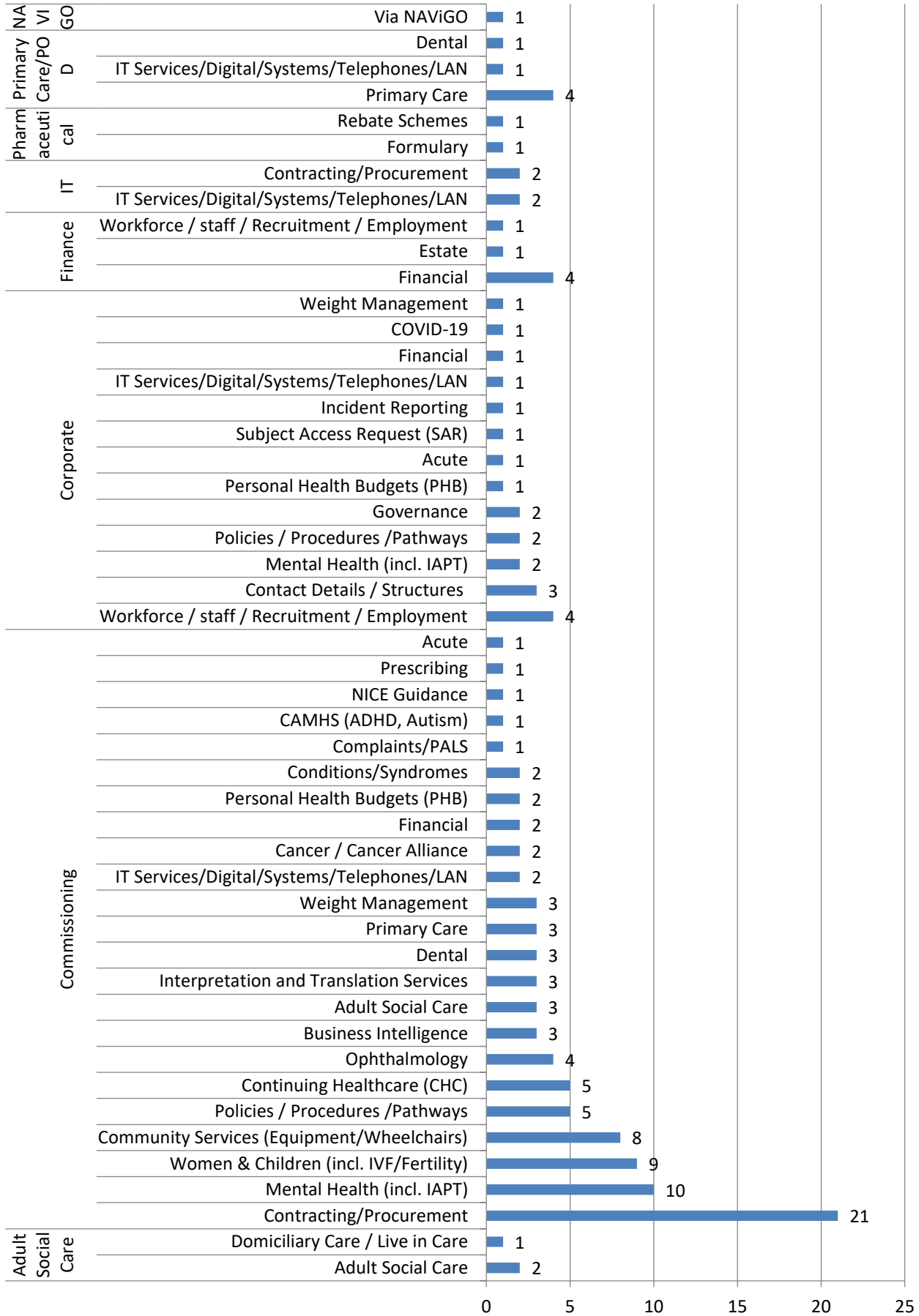
Subject Area of Request

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 10 subject areas and 62 themes, many of which are detailed in the chart below. The requests received are diverse and singular, however, the predominant subject areas in Quarter One were commissioning related, with a total of 21 requests requesting information regarding contracting/procurement, followed by requests relating to mental health commissioning, thus proving to be popular topics.

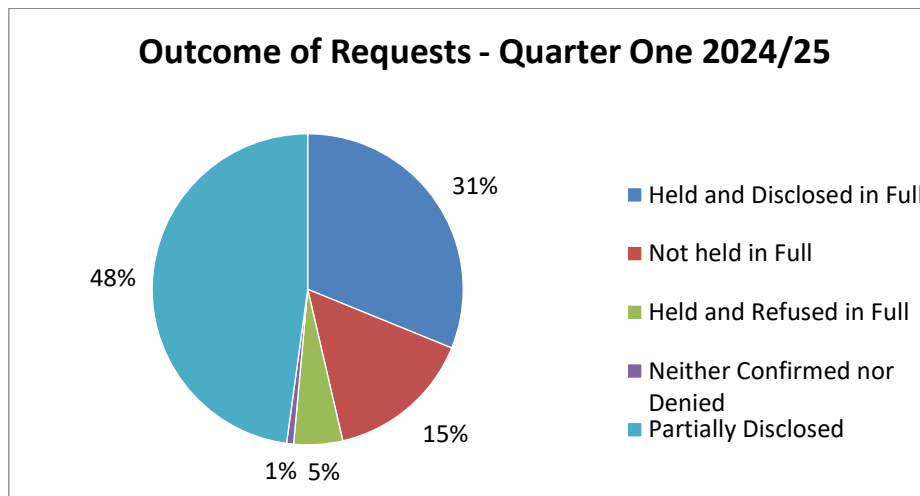
For a full illustration of the various topics for Quarter One please see the chart below:

FOIs by Category - Quarter One 2024/25



Outcome of Requests Processed

The following chart displays the proportion of requests by outcome for Quarter One 2024/25:



During Quarter One of the 138 requests processed, 21 (15%) sought information that was not held by the ICB. 43 (31%) received information in full, 66 (48%) received part of the information requested as the remainder was either not held by the ICB or withheld as one or more exemptions applied to the request. 7 (5%) were withheld in full as one or more exemptions applied. In 1 (1%) instance the ICB neither confirmed nor denied whether the requested information was held, in line with the relevant exemption applied to the request. In total, 32 (23%) of the requests had one or more exemptions applied.

Exemptions

There were 46 exemptions applied in total during the quarter. The most applied exemptions this quarter was Section 21 with 22 instances.

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

Exemption / Reason for Refusal	Quarter 1
12 – Cost of compliance	8
21 – Accessible by other means	22
22 – Future Publication	4
31 – Law Enforcement	2
40 – Personal Data	7
42 – Legal and Professional Privilege	1
43 – Commercial Interests	2
Total	46

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

Redirections

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

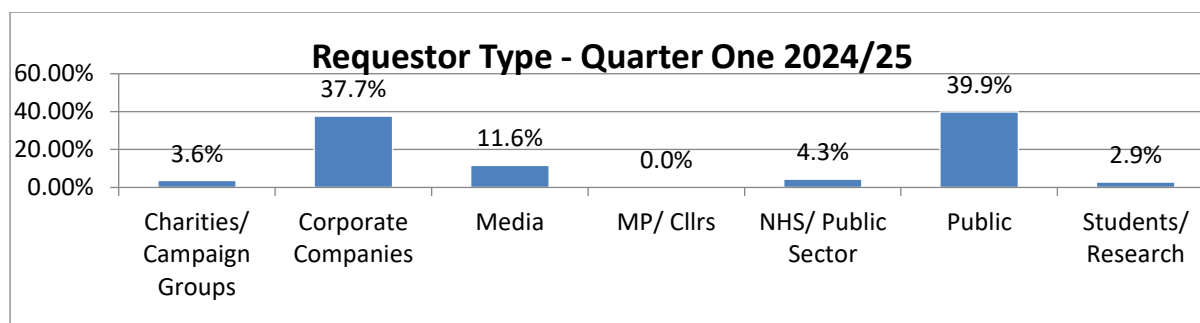
The table below shows which organisations were highlighted as sources of information and on how many occasions during the quarter:

	Quarter 1
NHS-Acute	15
NHS-Mental Health	4
NHS Other	4
NHSE/I	1
GPs	1
Local Authority	7
Independent Sector	10
Other	2
Total	44

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 during the quarter appear to be Individual Members of the Public and Corporate Companies:



Figures are based on processed/completed requests only.

Internal Reviews

There were 2 Internal Review requests received during Quarter One between 1 April and 30 June 2024 (HNY 0085 and HNY 0934).

In relation to HNY 0885 the applicant believed the ICB held the information requested in relation Primary Care premises, upon review the ICB confirmed its position remained unchanged, however, the ICB did provide some additional information in respect of GP practices.

In relation to HNY 0934 the applicant believed the ICB held the information requested in relation to General Ophthalmic activity, upon review the ICB confirmed its position remained unchanged, as contractors submit activity data directly to Primary Care Support England (PCSE).

Issues

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

Training

No FOIA specific training sessions were delivered during Quarter One 2024/25. General or specific FOI training is available from the FOI Team on request. A training schedule is being developed for the current financial year.

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.

Customer Feedback

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. There were no survey responses returned during Quarter One.

Reporting

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

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

Assurance

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

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

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

During Quarter One the ICO issued 47 decisions notices to the health sector and one relating to Adult Social Care. During this period there are no particular decisions notices to note.

Further Information to Note

The following information relates to the FOI Act and has been extracted from PDP FOI News updates and whilst it relates to police forces can be applied to any public sector setting:

FOI good practice – 6 themes identified

The ICO has identified six common themes contributing to the forces getting things right following its survey of FOI officers in well performing police forces across the country. The six themes are (1) senior leadership buy-in, (2) good internal relationships, (3) multi-functional teams, (4) request handling practices, (5) proactive disclosures and (6) networking.

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 April to 30 June 2024, the ICB received and processed 138 requests for information under FOIA. In most cases (48%), part of the requested information was disclosed as the remainder was either not held by the ICB or withheld as one or more exemptions applied to the request, whereas 31% of the requests received information in full. A small number of cases (5%) were withheld in full as one or more exemptions applied. In 15% of cases information sought was confirmed not to be held by the ICB. In total, 23% of the requests had one or more exemptions applied.

A 100% compliance with the statutory timeframes was achieved throughout Quarter One, with an average closure time of 12 days.

There were two Internal Reviews requests received during Quarter One between 1 April and 30 June 2024. Both had the original decision around disclosure upheld.

Freedom of Information Delivery Manager
August 2024

DECISION NOTICES
Health Sector Related (47 in total)
Search for keywords: Adult Social Care (1)
1 April to 30 June 2024

[Pension Protection Fund](#)

26 Jun 2024, Health

The complainant has requested a list of contracts of £10,000 or more. Pension Protection Fund ('PPF') provided links where some of the requested information could be found, advised that it was relying on section 43 of FOIA (commercial interests) to withhold information relating to investment contracts and that it was relying on section 12(1) (cost limit) of FOIA to refuse the rest of the request. The Commissioner's decision is that PPF was entitled to rely on section 12(1) of FOIA to refuse the request. The Commissioner finds that PPF complied with its section 16 obligation to offer advice and assistance. The Commissioner does not require further steps.

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

[Decision notice IC-293424-T3J1](#)

[Doncaster & Bassetlaw Teaching Hospital NHS Foundation Trust](#)

25 Jun 2024, Health

The Commissioner's decision is that information in a financial report that the complainant has requested is exempt from disclosure under section 41(1) of FOIA. This is because it's information that was provided to Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust ('the Trust') in confidence. In respect of the exempt information, the Trust breached section 17(1) of FOIA as it didn't confirm to the complainant the exemption on which it's relying, within the required timescale. It's not necessary for the Trust to take any corrective steps.

FOI 17: Complaint upheld FOI 41(1): Complaint not upheld

[Decision notice IC-300774-Z5F0](#)

[NHS England](#)

24 Jun 2024, Health

The Commissioner's decision is that, on the balance of probabilities, NHS England (NHSE) doesn't hold the requested information about Droxidopa and has complied with section 1(1)(a) and 10(1) of FOIA. It's not necessary for NHSE to take any steps.

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

[Decision notice IC-295124-F3F3](#)

[Torbay and South Devon NHS Foundation Trust](#)

21 Jun 2024, Health

The complainant has requested information about a particular surgeon. The above public authority relied on section 40(2) of FOIA (third party personal data) to withhold the information. The Commissioner's decision is that the public authority should not have confirmed or denied that it held the requested information. He has therefore applied section 40(5B) of FOIA himself, proactively to avoid accidental revelation of personal information. The Commissioner does not require further steps to be taken. Information Tribunal FT/EA/2024/0244 under appeal. Keywords: disciplinary, performance management

FOI 40(5B): Complaint not upheld

[Decision notice IC-295547-Q9H3](#)

[Aneurin Bevan University Health Board](#)

19 Jun 2024, Health

The complainant requested various information in respect of cataract lenses from Aneurin Bevan University Health Board ('the Health Board'). The Health Board refused the request citing section 12(4) (costs exceed the appropriate limit) of the FOIA. The Commissioner's decision is that the Health Board was not entitled to aggregate this request under section 12(4) of the FOIA and that it failed to demonstrate that section 12(1) was engaged in respect of this request. The Commissioner requires the Health Board 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 of the FOIA.

FOI 12: Complaint upheld

[Decision notice IC-289929-Q9J6](#)

[NHS England](#)

18 Jun 2024, Health

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request. Therefore, the Commissioner finds a breach of section 10. 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 30 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-304833-F1S8](#)

[UK Health Security Agency](#)

17 Jun 2024, Health

The complainant has requested information about deceased people who had been removed from the NHS Immunisation Management Service (NIMS) database since December 2020. The UK Health Security Agency ('UKHSA') provided some of the requested information but relied on section 38 of FOIA (health and safety) to withhold some of the information in the detail specified. The Commissioner's decision is that UKHSA was entitled to rely on section 38(1)(a) of FOIA to withhold some of the requested information. The Commissioner does not require further steps.

FOI 38: Complaint not upheld

[Decision notice IC-306332-X9C9](#)

[Berkshire Healthcare NHS Foundation Trust](#)

14 Jun 2024, Health

The Commissioner's decision is that, on the balance of probabilities, Berkshire Healthcare NHS Foundation Trust ('the Trust') doesn't hold the requested information about a named individual's involvement decision-making. The Trust complied with section 1(1) of FOIA, and it doesn't need to take any steps.

FOI 1(1): Complaint not upheld

[Decision notice IC-281839-C8B5](#)

[Dr Julian Medical Group Ltd](#)

13 Jun 2024, Health

The complainant has requested from Dr Julian Medical Group Limited (the public authority) the name of a complaint investigator's professional membership body. The public authority applied section 14(1) of FOIA (vexatious request) to refuse the request. The Commissioner's decision is that the public authority was not entitled to rely on section 14(1) in refusing to provide the requested information. As the complainant has since obtained the requested information it is therefore not necessary for the public authority to take any steps.

FOI 14: Complaint upheld

[Decision notice IC-295870-X1C6](#)

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

12 Jun 2024, Health

The complainant has requested a deep dive report into primary care in Buckinghamshire. Buckinghamshire, Oxfordshire & West Berkshire (BOB) Integrated Care Board (ICB) ("the public authority") refused the request, citing section 36(2)(b)(ii) and 36(2)(c) (prejudice to the effective conduct of public affairs) of FOIA. The Commissioner's decision is that the report engages section 36(2)(b)(ii) but the balance of the public interest lies in disclosure. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: disclose the report.

FOI 36(2)(c): Complaint upheld FOI 36(2)(b)(ii): Complaint upheld
[Decision notice IC-280120-M6R8](#)

[Care Quality Commission](#)

11 Jun 2024, Health

The Commissioner's decision is that the Care Quality Commission (CQC) is entitled to rely on section 40(2) of FOIA to withhold some of the requested information about a care home as it's the personal data of a third party and disclosure would be unlawful. The CQC breached section 1(1) and 10(1) of FOIA as it didn't disclose all the non-exempt information it holds within the statutory period. It's not necessary for the CQC to take any corrective steps.

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

[Decision notice IC-294580-G1Y3](#)

[NHS Property Services Ltd](#)

7 Jun 2024, Health

The complainant has requested correspondence and information between named people at NHS Property Services Limited (NHSPS) relating to Hightown Village Surgery and its lease between specific dates. NHSPS withheld information in scope of the request under section 40(2) and 43(2) FOIA. The Commissioner's decision is that some of the information is reasonably accessible to the applicant by other means and therefore exempt under section 21 FOIA. For the remaining information, NHSPS has correctly applied section 40(2) to withhold personal information but has not demonstrated that section 43(2) is engaged in relation to information on lease negotiations, maintenance and supplier requests. The Commissioner requires NHSPS to disclose the information in the folders 'Lease Negotiations', 'Letter to Landlord', 'Maintenance Correspondence' and 'Supplier Requests', redact any names/contact information and exclude any information already accessible to the applicant as a recipient/sender.

FOI 21: Complaint not upheld FOI 43: Complaint upheld FOI 40: Complaint not upheld

[Decision notice IC-279039-T5S4](#)

[Dr Julian Medical Group Ltd](#)

7 Jun 2024, Health

The complainant has requested from Dr Julian Medical Group Limited (the public authority) the name of a therapist's professional membership body. During the course of the Commissioner's investigation, the public authority applied section 14(1) of FOIA (vexatious request) to refuse the request. The Commissioner's decision is that in failing to provide a response to the request that complies with section 1 of FOIA within 20 working days, and also in failing to issue a refusal notice that is compliant with section 17(1), the public authority has breached section 1(1), 10(1) and 17(1) of FOIA. The public authority is also not entitled to rely on section 14(1) in

refusing to provide the requested information. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Provide the requested information or issue an appropriate refusal notice which does not rely on section 14(1).

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 1: Complaint upheld
[Decision notice IC-277500-Y3B9](#)

[Mid and South Essex Integrated Care System](#)

6 Jun 2024, Health

The Commissioner's decision is that Mid and South Essex Integrated Care System ('the ICS') doesn't hold the requested information about legislation that supported its claimed non-compliance with certain Regulations. The ICS has complied with section 1(1)(a) of FOIA, and it doesn't need to take any corrective steps.

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

[Decision notice IC-287459-T2D3](#)

[Frimley Health NHS Foundation Trust](#)

6 Jun 2024, Health

The complainant has requested information relating to Myasthenia Gravis diagnosis. Frimley Health NHS Foundation Trust (Frimley) disclosed the information it held. The Commissioner's decision is that on the balance of probabilities, Frimley has complied with its obligations under sections 1 and 10(1) of FOIA and holds no further recorded information relevant to the complainant's request. However, he also finds that Frimley did not provide adequate advice and assistance in line with its obligations under section 16 of FOIA. The Commissioner does not require further steps to be taken.

FOI 10(1): Complaint not upheld

[Decision notice IC-280202-V0X9](#)

[Medicines and Healthcare Products Regulatory Agency](#)

30 May 2024, Health

The complainant has requested information from the Medicines and Healthcare Products Regulatory Agency (MHRA). The Commissioner's decision is that the MHRA is entitled to rely on section 41(2) of FOIA to neither confirm nor deny it holds the requested information.

FOI 41: Complaint not upheld

[Decision notice IC-301842-T4D1](#)

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

30 May 2024, Health

In a five-part request, the complainant has requested information about reported incidents of violence and aggression. Epsom and St Helier University Hospitals Trust ('the Trust') has withheld all the information under sections 38 and 40 of FOIA.

These exemptions concern health and safety and personal data, respectively. The

Commissioner's decision is that the information requested in parts 1 and 2 of the request is exempt from disclosure under section 40(2) of FOIA because it's other individuals' personal data. However, parts 3, 4 and 5 of the request don't engage either section 38 or 40(2). The Trust breached section 17(3) of FOIA as, in respect of section 38, it didn't provide the complainant with an outcome of its public interest deliberations within a reasonable period. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: Disclose the information requested in parts 3, 4 and 5 of the request.

FOI 17: Complaint upheld FOI 38: Complaint upheld FOI 40(2): Complaint partly upheld

[Decision notice IC-283212-B5T1](#)

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

28 May 2024, Health

The complainant requested information from Greater Manchester Mental Health NHS Foundation Trust (the public authority). By the date of this notice the public authority had not issued a substantive response to this request. The Commissioner's decision is that the Greater Manchester Mental Health NHS Foundation 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 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 30 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-301909-Y6G8](#)

[Cambridge University Hospitals NHS Foundation Trust](#)

23 May 2024, Health

The complainant has requested information relating to the Epic electronic patient record system. Cambridge University Hospitals NHS Foundation Trust ("the public authority") refused to comply with the request, citing section 12 (cost of compliance exceeds appropriate limit) of FOIA. The Commissioner's decision is that: the public authority was correct to refuse the request under section 12 and the public authority has complied with its section 16 (advice and assistance) obligations. The Commissioner does not require further steps. Information Tribunal FT/EA/2024/0241 under appeal.

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

[Decision notice IC-280644-F4K7](#)

[Somerset NHS Foundation Trust](#)

21 May 2024, Health

The complainant has requested information about the parking contract between Somerset NHS Foundation Trust and Q-Park. Somerset NHS Foundation Trust ('the Trust') provided copies of the contract and relevant schedules and advised that some information had been redacted under section 43 of FOIA (commercial interests). The Commissioner's decision is that the Trust was entitled to apply section 43(2) to withhold the redacted information. The Commissioner requires no steps as a result of this decision.

FOI 43: Complaint not upheld

[Decision notice IC-284553-Q3K3](#)

[Oxford University Hospitals NHS Foundation Trust](#)

21 May 2024, Health

The complainant has requested information from Oxford University Hospitals NHS Foundation Trust (the Trust). By the date of this notice the Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation.

FOI 10: Complaint upheld

[Decision notice IC-301680-D0R3](#)

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

17 May 2024, Health

The complainant has requested information from University College London Hospitals NHS Foundation Trust (the trust) relating to the cost of High-Intensity Focussed Ultrasound (HIFU) treatment. The trust has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 30 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-295469-C0T9](#)

[General Medical Council](#)

17 May 2024, Health

The complainant has requested correspondence from and to the General Medical Council (GMC) relating to the regulation of several groups of medical professionals. The GMC refused to provide the requested information as to do so would exceed the appropriate limit at section 12(1) FOIA. The Commissioner's decision is that the GMC was correct in its reliance on section 12(1) to refuse the request. The Commissioner also finds that the GMC did not comply with its section 16(1)

obligation to offer advice and assistance but it has now provided advice on how to narrow the request and no further steps are therefore required.

FOI 12: Complaint not upheld FOI 16: Complaint upheld

[Decision notice IC-285464-X4K3](#)

[NHS Business Services Authority](#)

15 May 2024, Health

The complainant has requested information about NHS Business Services Authority's interactions with Stonewall. NHS Business Services Authority (NHSBSA) initially disclosed some information and withheld personal information under section 40(2) and information it considered to be commercially sensitive under section 43(2). NHSBSA's revised position in respect of part 3 of the request is that it's prepared to disclose some information it previously withheld but will continue to withhold the remainder of the information under section 40(2) and 43(2). In addition, it's now applied section 31(1)(a) and sections 36(2)(b)(ii) and 36(2)(c) to this information. Section 31 concerns law enforcement and section 36 concerns prejudice to the effective conduct of public affairs. The Commissioner's decision is as follows: The information to which NHSBSA has applied only section 31(1)(a) of FOIA is exempt under that exemption. NHSBSA correctly applied section 43(2) and section 40(2) to the majority of the information to which it applied these exemptions and, in the case of section 43(2), the public interest favours maintaining this exemption. NHSBSA correctly applied section 36(2)(b)(ii) and section 36(2)(c) to some of the information to which it applied these exemptions but the public interest favours disclosure. The remaining information to which NHSBSA applied sections 36(2)(b)(ii), 36(2)(c), 40(2) and 43(2) doesn't engage these exemptions; either because it's already in the public domain or because, in relation to section 40(2), a small amount of the information isn't personal data. The Commissioner requires NHSBSA to take the following steps to ensure compliance with the legislation: Disclose the information that doesn't engage section 43(2) of FOIA, and which is noted at paragraph 46 of this notice. Disclose the information that doesn't engage section 36(2)(b)(ii) or 36(2)(c) of FOIA and which is noted at paragraph 76 of this notice, having first redacted the information to which NHSBSA has correctly applied section 40(2). Disclose the information which doesn't engage section 40(2) of FOIA, and which is noted at paragraph 181 of this notice and listed in paragraph 11 of the confidential annex to this notice. Disclose the information NHSBSA has advised it's now prepared to disclose, and which is referred to in paragraphs 2 and 21 of this notice.

FOI 31: Complaint upheld FOI 43: Complaint upheld FOI 40: Complaint partly upheld FOI 36: Complaint not upheld

[Decision notice IC-272367-R1F8](#)

[NHS Devon Integrated Care Board](#)

13 May 2024, Health

The complainant has requested copies of two emails dated 19 September 2023. NHS Devon Integrated Care Board ('the ICB') relied on section 40(2) of FOIA (third

party personal information) to withhold the information. The Commissioner's decision is that the ICB has correctly relied on section 40(2) of FOIA to withhold the information. The Commissioner does not require further steps to be taken.

FOI 40(2): Complaint not upheld

[Decision notice IC-285421-R6Q1](#)

[NHS Devon Integrated Care Board](#)

13 May 2024, Health

The complainant has requested copies of all communications with Bevan Brittan solicitors over a six month period. NHS Devon Integrated Care Board ('the ICB') relied on section 42 of FOIA (legal professional privilege) to withhold the information. The Commissioner's decision is that the ICB has correctly relied on section 42 of FOIA to withhold the information. The Commissioner does not require further steps to be taken.

FOI 42: Complaint not upheld

[Decision notice IC-301511-H5C6](#)

[NHS Devon Integrated Care Board](#)

13 May 2024, Health

The complainant has requested copies of all communications with a named individual over a five month period. NHS Devon Integrated Care Board ('the ICB') relied on section 40(2) of FOIA (third party personal information) to withhold the information. The Commissioner's decision is that the ICB has correctly relied on section 40(2) of FOIA to withhold the information. The Commissioner does not require further steps to be taken.

FOI 40(2): Complaint not upheld

[Decision notice IC-301489-M9D9](#)

[United Lincolnshire Hospitals NHS Trust](#)

9 May 2024, Health

The complainant requested information from United Lincolnshire Hospitals NHS Trust (the public authority). By the date of this notice the public authority had not issued a substantive response to this request. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation. The public authority must provide a substantive response to the request in accordance with its obligations under FOIA. The public authority must take this step within 30 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-298390-P8M0](#)

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

8 May 2024, Health

The complainant has requested information about parking charge notices issued by a contractor at one of the car parks on the hospital site. University Hospitals Coventry and Warwickshire NHS Trust ('the Trust') advised that it did not hold the requested information. The Commissioner's decision is that the requested information is not held by the Trust as per section 3(2) of FOIA – Information held on behalf of. The Commissioner requires no steps to be taken. Information Tribunal FT/EA/2024/0196 under appeal.

FOI 3: Complaint not upheld

[Decision notice IC-271968-Y3X8](#)

[Care Quality Commission](#)

3 May 2024, Health

The complainant has requested all recorded information held between the Care Quality Commission (CQC) and other parties concerning the safeguarding of service users of named service providers between certain dates. The CQC relied on section 40(5B) of FOIA (third party personal information) to refuse to confirm or deny that the information was held. It also relied on section 31(3) of FOIA (law enforcement) to neither confirm nor deny whether it held this information. The Commissioner's decision is that the public authority has correctly relied on section 40(5B) and section 31(3) of FOIA to refuse to confirm or deny that the information was held. The Commissioner does not require further steps to be taken.

FOI 40(5B)(a)(i): Complaint not upheld FOI 31(3): Complaint not upheld

[Decision notice IC-281484-Z5W3](#)

[NHS West Yorkshire Integrated Care Board](#)

2 May 2024, Health

The complainant requested information about applications to the Court of Protection. NHS West Yorkshire Integrated Care Board ('the ICB') provided a response to some of the request but refused to comply with the remainder citing section 12 of FOIA (cost limit). The Commissioner's decision is that the ICB was entitled to refuse to comply with the remainder of the request in accordance with section 12(1) of FOIA. The Commissioner also finds that the ICB complied with its obligations under section 16 to offer advice and assistance. The Commissioner does not require the ICB to take any steps.

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

[Decision notice IC-269195-H4L7](#)

[UK Health Security Agency](#)

30 Apr 2024, Health

The complainant has requested information from the UK Health Security Agency (UKHSA) about the shingles vaccination programme. UKHSA responded by stating

that it did not hold the information. The Commissioner's decision is that, on the balance of probability, UKHSA does not hold the requested information. However, UKHSA breached sections 1(1)(a) and 10(1) of FOIA because it didn't confirm that it doesn't hold the information within the statutory timeframe. The Commissioner does not require further steps.

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

[Decision notice IC-276612-N9Z3](#)

[eMed GP at Hand](#)

30 Apr 2024, Health

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 that it dealt with as reference number 3NF5SLXXDF, in accordance with its obligations under FOIA. The public authority must take this step within 30 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-288254-D3Q1](#)

[NHS England](#)

25 Apr 2024, Health

The complainant has requested NHSE to disclose information relating to Distance Selling Pharmacies (DSPs). They require a list of data to see how far the prescriber is from each DSP in West Yorkshire. NHSE responded, advising the complainant that it does not hold the requested information. The Commissioner's decision is that on the balance of probabilities NHSE does not hold the requested information. NHSE breached section 10 of FOIA by failing to respond to the request within 20 working days of receipt. The Commissioner does not require any further action to be taken.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-273301-P1F7](#)

[Bolton NHS Foundation Trust](#)

25 Apr 2024, Health

The complainant requested copies of all reviews into governance concerns since 2022. Bolton NHS Foundation Trust (the Trust) cited section 40(5B)(a)(i) of FOIA to refuse to confirm or deny if it held the requested information. The Commissioner's decision is that the Trust is entitled to rely on section 40(5B)(a)(i) of FOIA to refuse to confirm or deny whether it holds the information requested. The Commissioner does not require any steps to be taken as a result of this decision. Information Tribunal FT/EA/2024/0158 under appeal.

FOI 40(5B)(a)(i): Complaint not upheld

[Decision notice IC-280252-R9N7](#)

[Newcastle Upon Tyne Hospitals NHS Foundation Trust](#)

23 Apr 2024, Health

The complainant has requested information in relation to a public statement made by Newcastle upon Tyne Hospitals NHS Foundation Trust (the Trust) on 26 September 2023. The Trust initially identified and disclosed some information within scope of the request, and then during a review, it identified and disclosed further information. The Commissioner's decision is that, on the balance of probabilities, the Trust has identified and provided all information held within the scope of the request. However, in failing to identify and disclose all the information in its initial response, the Trust has breached section 1(1) and 10(1) of FOIA. The Commissioner does not require any further steps to be taken.

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

[Decision notice IC-267352-Q9R3](#)

[The Christie NHS Foundation Trust](#)

19 Apr 2024, Health

The complainant has requested letters sent by The Christie NHS Foundation Trust (the Trust) to the Care Quality Commission (CQC) following an inspection. The Trust confirmed it held some information in scope of the request but withheld this under section 31(1)(g) and 31(2)(c) of FOIA. The Commissioner's decision is that the Trust has demonstrated that section 31 is engaged and the public interest favours maintaining the exemption. The Commissioner does not require further steps. FOI section 31 – complaint not upheld

FOI 31: Complaint not upheld

[Decision notice IC-268060-M4M9](#)

[Care Quality Commission](#)

18 Apr 2024, Health

The complainant has requested information relating to The Christie. The Care Quality Commission ("the public authority") refused to provide the requested information, citing section 31(1)(g) (law enforcement) of FOIA. The Commissioner's decision is that section 31(1)(g) applies but the public interest favours disclosure. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: disclose the requested information, with redactions made under section 40 (personal information). FOI section 31(1)(g) – not upheld

FOI 31(1)(g): Complaint not upheld

[Decision notice IC-281510-R4Y7](#)

[General Medical Council](#)

17 Apr 2024, Health

The complainant has requested information about Fitness to Practice Rule 17 (2g) successes at tribunal hearings. The General Medical Council ('GMC') refused the request under section 14(1) of FOIA (vexatious requests). The Commissioner's decision is that the GMC was entitled to rely upon section 14(1) of FOIA to refuse the request. The Commissioner does not require further steps. FOI 14(1) - complaint not upheld

FOI 14(1): Complaint not upheld

[Decision notice IC-279333-B0K8](#)

[NHS England](#)

17 Apr 2024, Health

The complainant requested information relating to three named, deceased, individuals. NHS England ultimately disclosed some information, denied holding some information, and refused to provide the remainder, citing section 21 (information accessible to applicant by other means) of FOIA. The Commissioner investigated its application of section 21. The Commissioner's decision is that NHS England is entitled to apply section 21. The Commissioner requires no steps to be taken as a result of this decision. FOI Section 21 complaint not upheld

FOI 21: Complaint not upheld

[Decision notice IC-279036-B3K3](#)

[Care Quality Commission](#)

17 Apr 2024, Health

The complainant has requested a copy of a service level agreement and information about amendments to reports that the Care Quality Commission produced on behalf of the Isle of Man Department of Health and Social Care. The Care Quality Commission ('the CQC') relied on section 31 of FOIA (law enforcement) to withhold the draft reports. The Commissioner's decision is that the CQC is entitled to rely on section 31(1)(g) to withhold the draft reports. The Commissioner does not require further steps.

FOI 31(1)(g): Complaint not upheld

[Decision notice IC-277295-X8V3](#)

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

17 Apr 2024, Health

The complainant has requested information about financial support received by Sonacare Ltd concerning urology functions or associated research. University College London Hospitals NHS Foundation Trust ('the Trust') relied on section 21 of FOIA (information accessible by other means) to refuse the request. The Commissioner's decision is that the Trust is entitled to rely on section 21 of FOIA to withhold the requested information. The Commissioner cannot consider the accuracy

of the relevant information the Trust holds. He therefore does not require the Trust to take any steps as a result of this decision notice.

FOI 21: Complaint not upheld

[Decision notice IC-276682-X1R4](#)

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

12 Apr 2024, Health

The complainant has requested any internal correspondence relating to a BBC Panorama programme where a Trust doctor appeared. Leeds and York Partnership NHS Foundation Trust (the Trust) confirmed no notes or minutes were held but considered any internal emails were exempt under all the limbs of section 36(2) of FOIA. The Commissioner's decision is that the Trust has correctly applied section 36(2) and the public interest in section 36(2)(b)(i) and (ii) outweighs the public interest in disclosure. The Commissioner does not require further steps.

FOI 36: Complaint not upheld

[Decision notice IC-270995-J8L4](#)

[General Medical Council](#)

10 Apr 2024, Health

The complainant has requested information about the number of complaints received concerning a named doctor. The General Medical Council ('the GMC') relied on section 40(2) of FOIA (personal information) to withhold the requested information. The Commissioner's decision is that the GMC is entitled to rely on section 40(2) of FOIA to withhold the requested information. The Commissioner does not require further steps.

FOI 40(2): Complaint not upheld

[Decision notice IC-275673-X6Q7](#)

[Medicines and Healthcare Products Regulatory Agency](#)

8 Apr 2024, Health

The complainant requested information from the Medicines and Healthcare products Regulatory Agency ('MHRA'), relating to data gathered about a cohort of pregnant women via the Yellow Card Monitor. The MHRA cited section 22 of FOIA and refused to provide the requested information because it was intended for future publication. The Commissioner's decision is that the MHRA was correct to apply section 22 of FOIA at the time of the request. No steps are required as a result of this notice. Information Tribunal FT/EA/2024/0169 under appeal.

FOI 22: Complaint not upheld

[Decision notice IC-272282-Z5D1](#)

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

3 Apr 2024, Health

The complainant submitted a two-part request to the University Hospitals of Derby and Burton NHS Foundation Trust ('the Trust') about its membership of a vascular

network. The Commissioner's decision is first, that the first part of the request isn't a valid request for information under section 8 of FOIA. Second, the Commissioner finds that the Trust doesn't hold recorded information within scope of the second part and has complied with section 1(1)(a) of FOIA. It's not necessary for the Trust to take any steps.

FOI 1: Complaint not upheld FOI 8: Complaint not upheld

[Decision notice IC-271946-N0C6](#)

[NHS England](#)

2 Apr 2024, Health

The Commissioner's decision is that, on the balance of probabilities, NHS England (NHSE) doesn't hold the requested information about orthodontic activity and spend and has complied with section 1(1)(a) of FOIA. It's not necessary for NHSE to take any steps.

FOI 1: Complaint not upheld

[Decision notice IC-275494-M2F7](#)

Adult Social Care (1)

[Department of Health and Social Care](#)

3 May 2024, Central government

The complainant has requested information relating to the Department of Health and Social Care's (DHSC) discharge of its responsibilities under the Equality Act 2010 pertaining to the determination of central government funding available to social services authorities, as well as information relating to the process of analysis and the process of assessment of the overall sufficiency of adult social care funding. The Commissioner's decision is that DHSC was correct to rely on section 41(1) and 21 of FOIA to withhold the evidential material used in its assessment of funding and overall sufficiency. The Commissioner also finds that section 35(1)(a) is engaged, however, the public interest lies in favour of disclosing the information. The Commissioner requires DHSC to take the following steps to ensure compliance with the legislation. Provide the complainant with a copy of the information it withheld under section 35(1)(a). The public authority must take these steps within 30 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. Information Tribunal FT/EA/2024/0211 under appeal.

FOI 35(1)(a): Complaint upheld FOI 21: Complaint not upheld FOI 41(1): Complaint not upheld

[Decision notice IC-269593-P7Q5](#)