



Humber and North Yorkshire
Health and Care Partnership



Humber and
North Yorkshire
Integrated Care Board (ICB)

Freedom of Information (FOI) Quarterly Report

Quarter Two 2024/25 covering the period:
1 July to 30 September 2024

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 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	Quarter 2 2024/25
	Apr - Jun	Jul – Sep	Oct – Dec	Jan – Mar	Apr – Jun	Jul – Sep
Requests Received						
Total number of FOI requests received:	142	148	129	147	140	150
Total Number of FOI Processed	140*	145*	126*	142*	138*	146**
Number processed within 20 working days	140	144*	125*	142	137*	144***
Percentage FOI processed within the statutory timeframes	100%	99.3%	99.2%	100%	100%	98.6%
Average time taken to process (days)	12	11	14	11	12	14

*Please see previous report for details.

**HNY 1054 – Request closed as clarification request and not received within set timeframe. HNY 1146 – Clarification requested and not yet received. HNY 1147 – Applicant cancelled request. HNY 1014 - Request closed as relates to a specific patient case and colleagues are processing directly.

***HNY 1066 – Response issued on 21 days – administrative error resulting in breach. HNY 1114 – Response issued on 22 days - query raised at approval - more information sourced to complete response.

Response Times

Quarter Two 2024/25 has seen an increase of 5.8% in the number of FOIA requests received and processed on the number of requests received and processed in Quarter One 2024/25. The number of requests received and processed in Quarter Two 2024/25 was 0.7% more than that in Quarter Two 2023/24.

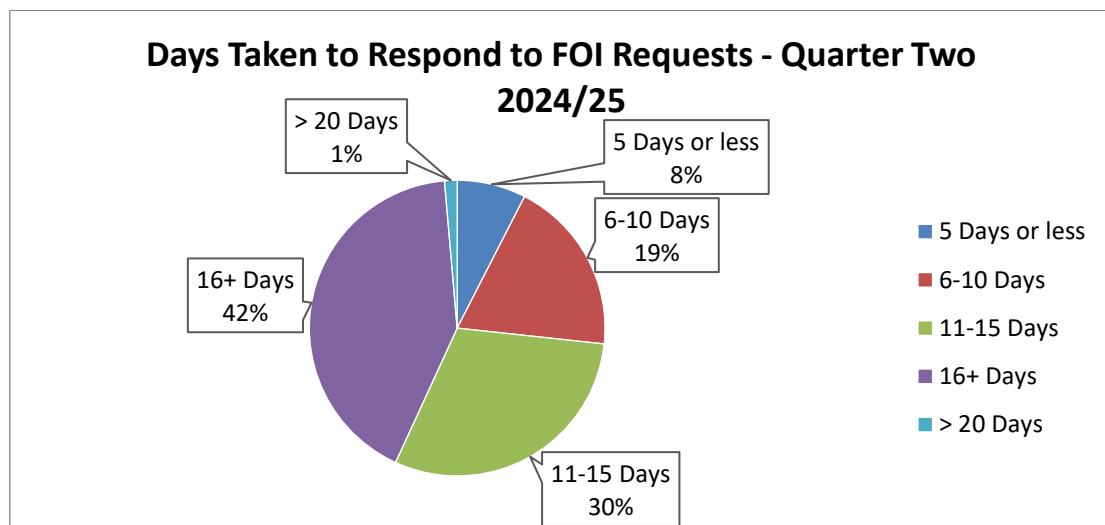
A 98.6% compliance with the statutory timeframes has been delivered throughout Quarter Two, with an average closure time of 14 days.

One response (HNY 1066) was issued on 21 working days due to an administrative error. The original request was received afterhours on working day 0, but an

incorrect date logged, which was identified at the time of the response being issued on 21 days.

One response (HNY 1114) issued on 22 days, due to a query being raised at the approval stage, regarding level of information being supplied. More information was sourced to respond to the request which resulted in providing a better, more comprehensive response.

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



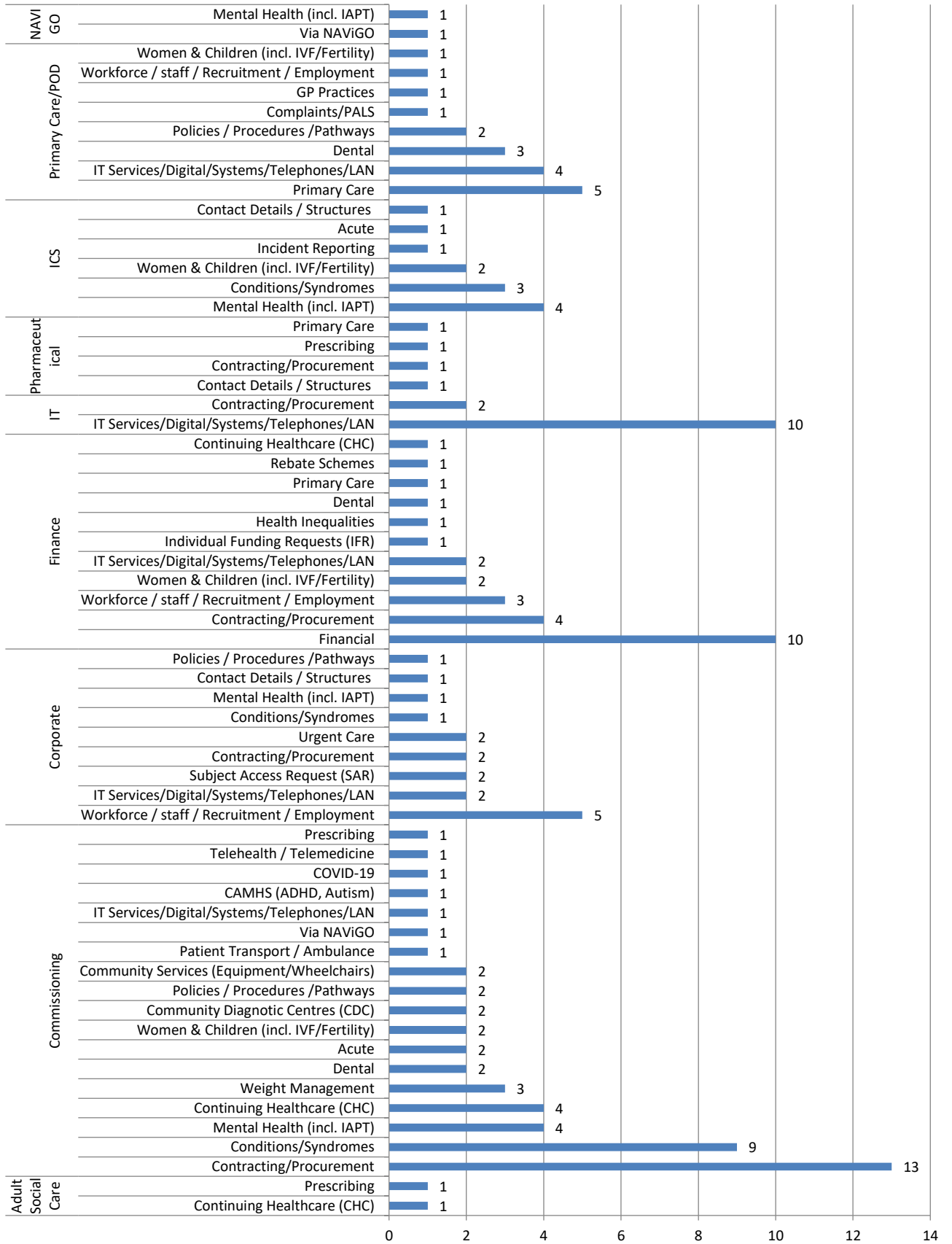
It is acknowledged that the ICB is able to maintain high response times in line with statutory timescales due to continuing support from colleagues and teams whose capacity has been impacted by their own workloads and organisational changes; and that support is greatly appreciated. The FOI Team continuously 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.

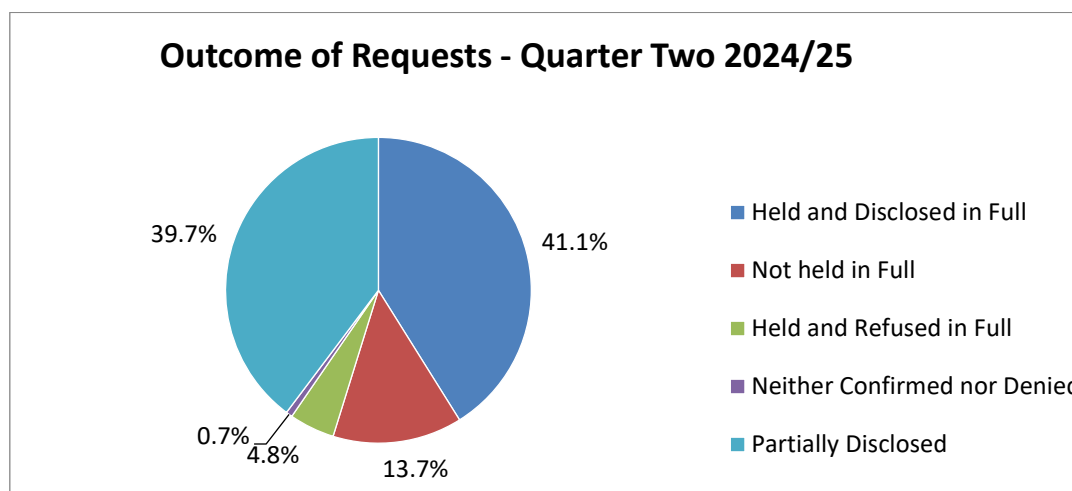
The FOI Team regularly review and update reporting parameters to ensure the most relevant information is provided in reports. Incoming FOI requests are recorded under a choice of 10 subject areas and 62 themes, many of which are detailed in the chart below. The requests received are diverse and singular, however, the predominant subject areas in Quarter Two were commissioning related, with a total of 13 requests requesting information regarding contracting/procurement, followed by IT Services/Telephony related requests and Financial related requests, 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 2024/25



Outcome of Requests Processed

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



During Quarter Two of the 146 requests processed, 20 (13.7%) sought information that was not held by the ICB. 60 (41.1%) received information in full, 58 (39.7%) 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 1 (0.7%) 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, 42 (28.8%) of the requests had one or more exemptions applied.

Exemptions

There were 48 exemptions applied in total during the quarter. The most applied exemption this quarter was Section 21 with 20 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	Quarter 2
12 – Cost of compliance	8	9
21 – Accessible by other means	22	20
22 – Future Publication	4	4
31 – Law Enforcement	2	3
40 – Personal Data	7	9
42 – Legal and Professional Privilege	1	0
43 – Commercial Interests	2	3
Total	46	48

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.

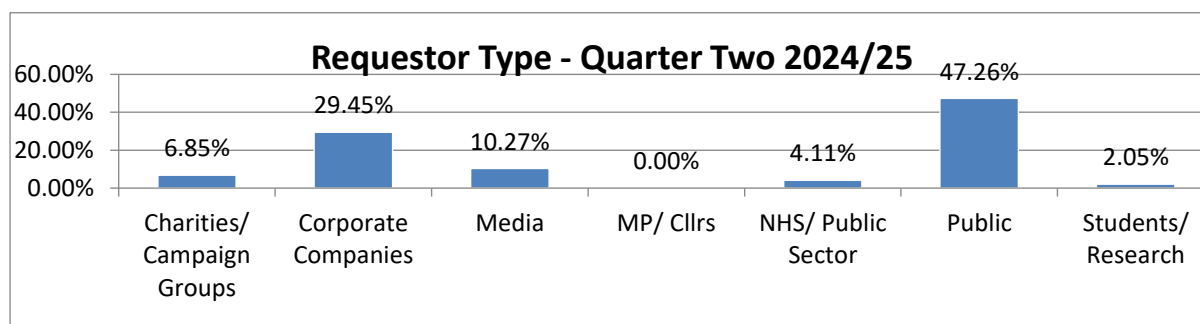
The table below shows which organisations were highlighted as sources of information and on how many occasions during the quarter:

	Quarter 1	Quarter 2
NHS-Acute	15	14
NHS-Mental Health	4	8
NHS Other	4	3
NHSE/I	1	0
NHS Digital	0	2
GPs	1	0
Local Authority	7	8
Independent Sector	10	4
Other	2	4
Total	44	43

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 was one Internal Review request received during Quarter Two between 1 July and 30 September 2024 (HNY 1000).

In relation to HNY 1000 the applicant believed the ICB held the information requested in relation to 'Patient safety incidents related to physician / anaesthesia associates', upon review the ICB confirmed its position remained unchanged, however, the ICB did add the use of Section 12 of the FOI Act which 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.

The ICB confirmed it would be able to advise how many Patient Safety Incident Investigations (Serious Incidents) there had been since 1 January 2021, this would not include those that have transitioned to PSIRF as this information was not held by the ICB. However, due to the way this information is recorded on systems the ICB would not be in a position to identify how many incidents related to specific roles (physician associates, or anaesthesia associates) as this information is not necessarily recorded in the paperwork/files/emails/notes etc. and therefore even a free text search would not necessarily identify these positions.

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. During the quarter, new staff within the FOI team have continued to develop their knowledge, skills and understanding of the FOI legislation and systems and processes. Support continues to be provided through these team/organisational changes such as coaching, mentoring and training.

There also continues to be significant organisation change impacting on the corporate memory of the ICB. 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 Two 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 three survey responses returned during Quarter Two. On average, the responders rated the service 5.6 out of 6. The questions, scores and responses received are shown in Appendix One.

One applicant also provided additional feedback commending the ICB on the use of Section 16 under the FOI Act to provide Advice and Assistance which prevented the need for a further request.

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 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 41 decisions notices to the health sector and three relating to Adult Social Care. During this period there was one particular decisions notice to note:

Use of Section 12 – Cost of Compliance

One decision notice that may be of interest as an example of applying the Section 12 exemption is [Decision notice IC-297834-V6B6](#), where the UK Health Security Agency (UKHSA) received a request for information relating to employees of Public Health England that are registered with the General Medical Council. The Commissioner’s decision was that the UKHSA was not entitled to rely on section 12(1) (cost limit) of FOIA. The task for the Commissioner in a section 12 matter is to decide whether the cost estimate was reasonable. It is for the public authority in question to show the Commissioner that the estimate is “sensible, realistic and supported by cogent evidence”. The public authority failed to specify how many files would fall within the parameters of the request and did not offer any fuller explanation than “gather data”. Given the absence of detail it was difficult for the Commissioner to find that the cost estimate is reasonable and therefore UKHSA was not entitled to rely on section 12(1) of FOIA to refuse to comply with the request.

This example strengthens the need for the ICB to provide evidence and specific explanations to demonstrate the cost estimate is reasonable when applying a Section 12 exemption.

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 2024, the ICB received and processed 146 requests for information under FOIA. In most cases (41.1%), applicants received information in full, and in 39.7% of cases, 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. A small number of cases (4.8%) were withheld in full as one or more exemptions applied. In 1 (0.7%) instance the ICB neither confirmed nor denied whether the requested information was held, in line with the relevant exemption applied to the request. In 13.7% of cases information sought was confirmed not to be held by the ICB. In total, 28.8% of the requests had one or more exemptions applied.

A 98.6% compliance with the statutory timeframes was achieved throughout Quarter Two, with an average closure time of 14 days.

There was one Internal Review request received during Quarter Two between 1 July and 30 September 2024. The original decision around disclosure was upheld, however, the ICB did include the use of Section 12 under the FOI Act, which makes

provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit.

Freedom of Information Delivery Manager
October 2024

Appendix One

Survey Questions	Response 1	Response 2	Response 3
Q1. Thinking about your recent request to us under the Freedom of Information (FOI) Act: How easy to understand did you find the response?	Very good	Very good	Very good
Q2. How thoroughly did the response answer your request?	Good	Very good	Very good
Q3. If you received the response later than 20 working days, were you advised about the delay and kept informed about the progress?	Not applicable	Not applicable	Not applicable
Q4. If the any of the information requested was withheld and/or refused, did you understand which exemption(s) were applied and why?	Yes	Yes	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	Yes
Q6. Before submitting your request did you look at information already published on the ICB website?	No	Yes	Yes
Q7. Was the Freedom of Information contact email address easy to find on the website?	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	6	6

Survey Questions	Response 1	Response 2	Response 3
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	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:	N/A	Many thanks for prompt response and appreciated the use of section 16 (advice and assistance), which avoided the need for a further request.	-

DECISION NOTICES
Health Sector Related (41 in total)
Search for keywords: Adult Social Care (3)
1 July to 30 September 2024

[NHS Hertfordshire and West Essex Integrated Care Board](#)

27 Sep 2024, Health

The complainant has requested communications, correspondence and other information relating to the construction of a new Health Centre. The ICB disclosed information but did redact and withhold some information under section 43(2). The complainant raised queries as to whether further information might be held. The Commissioner's decision is that the ICB has correctly applied section 43(2) to withhold information in respect of parts 2) and 6) of the request. The ICB has located a Project Initiation Document (PID) that the Commissioner considers is in scope of the request and should now be disclosed. The ICB did not therefore comply with its duties under section 1 FOIA as this information was not provided at the time of the request but as the ICB has conducted appropriate searches and found no further information the Commissioner does not require any further steps in this regard. The Commissioner requires the ICB to disclose the PID document with appropriate redactions under section 40(2) for personal data and 43(2) where the information is of the same nature as the other information withheld under this exemption.

FOI 43: Complaint not upheld FOI 1: Complaint partly upheld

[Decision notice IC-315746-H2X8](#)

[University Hospitals Sussex NHS Foundation Trust](#)

19 Sep 2024, Health

In a three part request, the complainant has requested information associated with a death that occurred from University Hospitals Sussex NHS Foundation Trust ('the Trust'). The complainant was provided with relevant information outside of FOIA and the Trust's final position had been to rely on sections 40(5A) and 40(5B) of FOIA (personal data) to refuse to confirm or deny it holds the requested information. The complainant was concerned that the Trust holds further information within scope of Q1 of their request that it hasn't provided and disputed its reliance on sections 40(5A) and (5B). During the Commissioner's investigation, the Trust reconsidered its position. It has now confirmed that, other than the relevant information that had already been provided to the complainant, it holds no other information within scope of Q1 of the request. It has also confirmed that it doesn't hold the specific information requested in Q2 and Q3 and that to the degree that relevant information it does hold addresses these questions, that information is exempt from disclosure under section 40(2) of FOIA. The Commissioner's decision is as follows: On the balance of probabilities, the Trust holds no further information within scope of Q1 of the request.

The Trust doesn't hold the specific information requested in Q2 and Q3 of the request and the information that it holds that's broadly relevant is exempt from disclosure under section 40(2) of FOIA. This is because that information is other people's personal data and disclosing it wouldn't be lawful. It's not necessary for the Trust to take any corrective steps.

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

[Decision notice IC-306739-H5T1](#)

[NHS England](#)

12 Sep 2024, 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-331126-N4X2](#)

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

6 Sep 2024, Health

The complainant has requested information relating to Mid and South Essex Integrated Care Board (ICB's) processes surrounding Individual Funding Requests.

The ICB refused the request as vexatious under section 14(1) FOIA. The

Commissioner's decision is that the request was vexatious and therefore the ICB

was entitled to rely upon section 14(1) FOIA to refuse it. The Commissioner does not require any steps.

FOI 14: Complaint not upheld

[Decision notice IC-297478-N2D5](#)

[Pearl Smile Dental Group](#)

6 Sep 2024, Health

The Commissioner's decision is that the majority of the information the complainant has requested is exempt from disclosure under section 40(2) of FOIA. This is because the information is another individual's personal data and disclosing it wouldn't be lawful. Pearl Smile Dental Group's section 40(2) refusal notice didn't comply with section 17(1) of FOIA. The remaining information isn't personal data and Pearl Smile Dental Group didn't comply with section 1(1) and 10(1) of FOIA in respect of the timeliness of its response to this part of the request. Pearl Smile Dental Group must take the following step to ensure compliance with the legislation: Provide the complainant with a fresh response to part 3.0 of the request, basing the response on the situation as it was the time of the request.

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

[Decision notice IC-307106-Z3Q6](#)

[London Ambulance Service NHS Trust](#)

5 Sep 2024, Health

The complainant submitted an information request to London Ambulance Service NHS Trust (LAS) for information relating to CAD 4368. The Commissioner's decision is that the request was vexatious and therefore LAS was entitled to rely upon section 14(1) of FOIA to refuse it.

FOI 14(1): Complaint not upheld

[Decision notice IC-299403-N2H9](#)

[NHS England](#)

5 Sep 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-323946-R0X7](#)

[Royal Marsden NHS Foundation Trust](#)

4 Sep 2024, Health

The complainant has requested The Royal Marsden NHS Foundation Trust (the Trust) to disclose information relating to a £9m donation to Royal Marsden Cancer Charity (RMCC) in 2022/23. The Trust disclosed some information but withheld the remainder under section 36(2)(c) of FOIA. The Commissioner's decision is that the Trust is entitled to refuse to disclose the withheld information in accordance with section 36(2)(c) of FOIA. He has however found a breach of section 1, 10 and 17 of FOIA. The Commissioner does not require any further action to be taken.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 36(2)(c): Complaint not upheld FOI 1: Complaint upheld

[Decision notice IC-300038-K7M7](#)

[Northumbria Healthcare Facilities Management Ltd](#)

3 Sep 2024, Health

The complainant has requested copies of policies and procedures. The above public authority disclosed some information and relied on section 21 of FOIA (reasonably accessible) to withhold the remainder. The Commissioner's decision is that, on the balance of probabilities, the public authority has now either disclosed all the information it holds or indicated where it can be found. However, as the public authority failed to communicate all relevant information or issue an adequate refusal

notice within 20 working days it breached sections 10 and 17 of FOIA. The Commissioner does not require further steps to be taken.
FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 1: Complaint not upheld
[Decision notice IC-304452-B2R4](#)

[Norfolk and Suffolk NHS Foundation Trust](#)

30 Aug 2024, Health

The complainant has requested information relating to ADHD and ASD referrals. The Trust refused the request under section 12 (cost of compliance exceeds appropriate limit). The Commissioner's decision is that the request engages section 12 and therefore the Trust was entitled to refuse it. In failing to provide any reasonable advice and assistance, the Trust breached section 16 (advice and assistance) of FOIA. The Commissioner does not require further steps.
FOI 12: Complaint not upheld FOI 16: Complaint upheld
[Decision notice IC-304283-C4F5](#)

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

29 Aug 2024, Health

The complainant has requested the Outline Business Case for the extension to the Evelina London Children's Hospital. Guy's and St Thomas' NHS Foundation Trust ('the Trust') withheld this information under sections 36(2)(b), 36(2)(c) and 43(2) of FOIA, which concern prejudice to the effective conduct of public affairs and commercial interests, respectively. The Commissioner's decision is that the Trust was entitled to withhold the information under sections 36(2)(b) and 36(2)(c) of FOIA. It's not necessary for the Trust to take any corrective steps.
FOI 36(2)(b): Complaint not upheld FOI 36(2)(c): Complaint not upheld
[Decision notice IC-302452-X6S2](#)

[Airedale NHS Foundation Trust](#)

27 Aug 2024, Health

The Commissioner's decision is that, at the time of the request, Airedale NHS Foundation Trust ('the Trust') was entitled to withhold the information in parts 1, 3 and 4 of the applicant's request for information about the Phoenix Partnership under section 43(2) of FOIA. This exemption concerns commercial interests. But the Commissioner has also decided that aspects of the Trust's refusal of the request didn't comply with section 17(1) of FOIA. It's not necessary for the Trust to take any corrective steps.
FOI 17: Complaint upheld FOI 43(2): Complaint not upheld
[Decision notice IC-312486-J6V4](#)

[Hampshire and Isle of Wight Integrated Care System](#)

23 Aug 2024, Health

The complainant requested correspondence relating to continuing healthcare plans. The Commissioner's decision is that the above public authority failed to respond to

the request within 20 working days and therefore breached section 10 of FOIA. The Commissioner does not require further steps.

FOI 10: Complaint upheld

[Decision notice IC-304849-L0T5](#)

[Southern Health and Social Care Trust](#)

22 Aug 2024, Health

The complainant has requested information relating to an SAI report of a trip which took place in May 2020 from (Name redacted) Care Home to Trust led day centres. Southern Health and Social Care Trust (SHSCT) relied on section 40(2) of FOIA (third party personal information) to withhold the information. The Commissioner's decision is that SHSCT is entitled to withhold some of the information it holds under section 40(2) of FOIA as it is the personal data of another individual and disclosure would be unlawful. The Commissioner does not require further steps to be taken.

FOI 40(2): Complaint not upheld

[Decision notice IC-280759-P5D5](#)

[UK Health Security Agency](#)

22 Aug 2024, Health

The complainant has requested information about deceased people who had been removed from the NHS Immunisation Management Service (NIMS) database between 2021 and 2023. 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 also finds that UKHSA breached section 10(1) and 17(1) of FOIA by failing to communicate the requested information or issue a section 38 refusal notice within 20 working days. The Commissioner does not require further steps.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 38: Complaint not upheld

[Decision notice IC-313214-K4P1](#)

[NHS Coventry and Warwickshire Integrated Care Board](#)

20 Aug 2024, Health

The complainant requested information from NHS Coventry and Warwickshire Integrated Care Board (the ICB) relating to the South Warwickshire Community Hospital Bed Review. The ICB relied on section 22 of FOIA to withhold the information as it was intended for future publication. The Commissioner is satisfied that the ICB was entitled to rely on section 22 of FOIA to withhold the information and that, at the time of the request, the balance of the public interest favoured maintaining the exemption. The Commissioner does not require the ICB to take any further steps as a result of this decision notice.

FOI 22: Complaint not upheld

[Decision notice IC-295479-D1S7](#)

[Peverell Park Surgery](#)

19 Aug 2024, Health

The complainant has requested statistical information about a number of health conditions and diagnoses. Peverell Park Surgery ('the Surgery') provided some of the requested information but advised that no further information within scope of the request was held. The Commissioner's decision is that, on the balance of probabilities, the Surgery holds no further information within scope of the request. The Commissioner does not require further steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-320383-R1P1](#)

[UK Health Security Agency](#)

19 Aug 2024, Health

The complainant requested information from the UK Health Security Agency (UKHSA) relating to employees of Public Health England that are registered with the General Medical Council. The Commissioner's decision is that the UKHSA is not entitled to rely on section 12(1) (cost limit) of FOIA to refuse to comply with the request. The Commissioner requires the UKHSA to take the following steps to ensure compliance with the legislation. The UKHSA must issue a fresh response to the request which does not rely on section 12 of FOIA. The UKHSA 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.

FOI 12: Complaint upheld

[Decision notice IC-297834-V6B6](#)

[Nottingham University Hospitals NHS Trust](#)

12 Aug 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.

FOI 10: Complaint upheld

[Decision notice IC-320525-Y8B7](#)

[East Suffolk and North Essex NHS Foundation Trust](#)

12 Aug 2024, Health

The complainant has requested information from East Suffolk and North East Essex NHS Foundation Trust (the Trust) relating to the number of babies delivered by caesarean section under specific circumstances specified in the request. The Trust has stated that no babies were delivered under the circumstances specified in the request. The Commissioner's decision is that the Trust has failed to comply with section 1 of FOIA due to it not conducting appropriate searches for information falling

within the scope of the request. The Commissioner requires the Trust to conduct further appropriate searches for any further information falling within the scope of the request and, if further information is identified, to either provide that information, or issue an appropriate refusal notice.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-289668-H0B9](#)

[Nursing and Midwifery Council](#)

9 Aug 2024, Health

The applicant requested information from the Nursing and Midwifery Council (NMC) about a named nurse. The NMC refused the request under section 40(2) of FOIA, which concerns third person personal data. The Commissioner's decision is that the NMC should have neither confirmed nor denied it held the requested information under section 40(5B) of FOIA. He has applied this exemption himself, proactively. The NMC therefore breached section 17(1) of FOIA as it failed to issue a correct refusal notice within 20 working days. It's not necessary for the NMC to take any corrective steps.

FOI 17: Complaint upheld FOI 40(5B): Complaint not upheld

[Decision notice IC-305066-P7N8](#)

[NHS England](#)

8 Aug 2024, Health

The complainant has requested from NHS England (NHSE) information about the performance of Trusts regarding certain objectives. NHSE initially cited section 21 of FOIA, which concerns information that's accessible to the applicant by other means. Later, at internal review stage, it stated that it did not hold the requested information. The Commissioner's decision is that, on the balance of probability, NHSE does not hold the requested information. The Commissioner does not require further steps.

FOI 1: Complaint not upheld

[Decision notice IC-301696-M5P5](#)

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

8 Aug 2024, Health

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. On 22 July 2024, the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days. The public authority has failed to respond by this date. Based on the 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.

FOI 10(1): Complaint upheld

[Decision notice IC-319545-K0D6](#)

[North Middlesex University Hospital NHS Trust](#)

8 Aug 2024, Health

The complainant has made a number of requests to North Middlesex University Hospital Trust ('the Trust'). The requests topics include information about the number of complaints received about the CEO and the complaints procedure, discharge criteria and processes, details of how a complaint had been handled and copies of particular test results. The Trust refused the requests under section 14(1) FOIA (vexatious requests) and advised that it would no longer respond to requests about the same or similar topics under section 17(6) of FOIA. The Commissioner's decision is that the Trust was entitled to rely on section 14(1) of FOIA to refuse the requests covered in this notice. He also finds that the Trust breached sections 10(1) and 17(5) of FOIA by failing to provide its responses and relevant refusal notice within 20 working days. The Commissioner does not require further steps.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 14(1): Complaint not upheld

[Decision notice IC-299241-S2P5](#)

[UK Health Security Agency](#)

8 Aug 2024, Health

The complainant has requested information from UK Health Security Agency (UKHSA) regarding the legal verdicts for COVID Vaccine contracts. The Commissioner's decision is that UKHSA has failed to complete its deliberations on the balance of the public interest within a reasonable time and has therefore breached section 17(3) of FOIA. The Commissioner requires UKHSA to take the following step to ensure compliance with the legislation. Having confirmed whether or not information is held within the scope of the request: either disclose the requested information or, to the extent that information is to be withheld, issue a refusal notice in accordance with the requirements of section 17 of FOIA. UKHSA 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.

FOI 17(3): Complaint upheld

[Decision notice IC-319198-H3L8](#)

[NHS England](#)

5 Aug 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 NHS England has not issued a substantive response to this request. Therefore the Commissioner finds a breach of section 10.

FOI 10: Complaint upheld

[Decision notice IC-319085-C4T6](#)

[Cambridge University Hospitals NHS Foundation Trust](#)

5 Aug 2024, Health

The complainant has requested information relating to Cambridge University Hospitals NHS Foundation Trust's (the Trust) Gender reassignment and/or transgender guidance and policies. 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-316738-Y5X2](#)

[NHS Resolution](#)

2 Aug 2024, Health

The Commissioner's decision is that NHS Resolution was entitled to withhold the requested information about pharmaceutical services under section 42(1) of FOIA as the information is protected by legal professional privilege. It's not necessary for NHS Resolution to take any corrective steps.

FOI 42(1): Complaint not upheld

[Decision notice IC-301848-F1K3](#)

[Tees Esk & Wear Valleys NHS Foundation Trust](#)

2 Aug 2024, Health

The Commissioner's decision is that Tees, Esk and Wear Valleys NHS Foundation Trust ('the Trust') is entitled to refuse parts of the request for information about ADHD referrals under section 12(1) of FOIA. The cost of complying with these parts would exceed the appropriate limit. There was no breach of section 16(1), which concerns advice and assistance, but the Trust breached section 1(1), 10(1) and 17(5) of FOIA in respect of the timeliness of its response. It's not necessary for the Trust to take any corrective steps.

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

1(1): Complaint upheld FOI 10(1): Complaint upheld FOI 17(5): Complaint upheld

[Decision notice IC-300022-H9D5](#)

[NHS England](#)

31 Jul 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-316271-M7K7](#)

[NHS England](#)

29 Jul 2024, 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 30 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-314594-C7W6](#)

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

23 Jul 2024, Health

The complainant submitted three requests for information to University College London Hospitals NHS Foundation Trust (the Trust) relating to the hereditary angioedema (HAE) service. 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-309187-D4Y8](#)

[NHS England](#)

19 Jul 2024, Health

The complainant requested information from NHS England (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 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 issue a substantive response to the request in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-315940-B4C0](#)

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

19 Jul 2024, Health

The complainant requested information from Epsom and St Helier University 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 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 issue a substantive response to the request in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-313410-V1N6](#)

[Lancashire Teaching Hospitals NHS Foundation Trust](#)

19 Jul 2024, Health

The complainant has requested information about an incident that had occurred on the premises of the Lancashire Teaching Hospitals NHS Foundation Trust (the Trust). The Trust refused to provide this information exempting it under sections 40(2) and 40(1) of FOIA. The Commissioner's decision is that the Trust is entitled to rely on section 40(1) of FOIA as the information is substantially the complainant's own personal information and cannot be disclosed under FOIA. The Commissioner has also decided that the Trust has correctly relied on section 40(2) to withhold third party personal data. The Trust has breached sections 1(1)(a), 10(1) and 17(1) of FOIA by not confirming that it held information or issuing a refusal notice within the statutory timeframe. The Commissioner does not require further steps.

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

[Decision notice IC-292576-D1S8](#)

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

17 Jul 2024, 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 30 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-314320-Z9J1](#)

[NHS Greater Manchester Integrated Care](#)

17 Jul 2024, Health

The complainant has requested GMIC to disclose information relating to an independent review it was undertaking into allegations they had raised. GMIC refused to disclose the information citing section 31(1)(g), 40, 41 and 43 of FOIA. The Commissioner's decision is that GMIC is entitled to refuse to disclose the information in accordance with section 31(1)(g) of FOIA. He does not require any further action to be taken.

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

[Decision notice IC-286068-B9Z4](#)

[Western Health and Social Care Trust](#)

17 Jul 2024, Health

The complainant has requested the names of senior members of staff at the Western Health and Social Care Trust (the Trust), who made a decision in an employment dispute. The Trust relied on section 40(2) of FOIA (third party personal information) to withhold the information. The Commissioner's decision is that the Trust 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-290132-B0C4](#)

[NHS England](#)

11 Jul 2024, Health

The complainant has requested, from NHS England, information about certain projects, contracts and costs. NHS England's position is that it has disclosed all of the information it holds within scope of the request. However, the complainant considers that NHS England holds further information within scope of the request. The Commissioner disagrees with NHS England's interpretation of the request, and considers that NHS England didn't identify and consider all of the information falling within scope correctly. The Commissioner requires NHS England to take the following steps to ensure compliance with the legislation: identify all of the information within the scope described in paragraph 26, and disclose it or issue a valid refusal notice. 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 FOIA, and may be dealt with as a contempt of court.

FOI 1: Complaint upheld

[Decision notice IC-268984-L3N8](#)

[NHS England](#)

3 Jul 2024, Health

The complainant has requested information about the cervical screening programme in relation to a specific laboratory. NHSE disclosed some information, confirmed it didn't hold other information and withheld the remainder under section 40(2) and 41 of FOIA. These exemptions concern personal data and information provided in confidence, respectively. The Commissioner's decision is that the information NHSE is withholding is personal data that can be withheld under section 40(2) of FOIA. It's not necessary for NHSE to take any steps.

FOI 40(2): Complaint not upheld

[Decision notice IC-295094-H6Y3](#)

[Northampton General Hospital NHS Trust](#)

2 Jul 2024, Health

The complainant has requested information about the number of user sessions affected by the presence of a Meta Pixel application on Northampton General Hospital Trust's website. Northampton General Hospital Trust ('the Trust') has stated that it does not hold the requested information. The Commissioner's decision is that, on the balance of probabilities, the Trust does not hold the requested information under section 1(1)(a) FOIA. The Commissioner does not require further steps.

FOI 1: Complaint not upheld

Adult Social Care (3)

HM Treasury

16 Sep 2024, Central government

The complainant submitted a request to HM Treasury (HMT) seeking information about the assessment of the overall sufficiency of **adult social care** funding and the local government finance settlement. HMT disclosed some information but sought to withhold the remainder on the basis of section 35(1)(a) (formulation or development of government policy) of FOIA. The complainant challenged this and also argued that HMT had failed to provide adequate or full responses to parts of the request. The Commissioner's decision is that HMT has located and provided (or withheld) all of the recorded information it holds falling within the scope of the request, and that the information withheld on the basis of section 35(1)(a) falls within the scope of that exemption, but the public interest in disclosure of this outweighs the public interest in withholding it.

FOI 35: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-286074-F2L1](#)

Milton Keynes Council

8 Aug 2024, Local government

The complainant requested copies of all policies and procedures used by Milton Keynes Council (the Council) in relation to **adult social care**. The Council refused the request on the basis of section 14(2) (repeated requests) of FOIA. The Commissioner's decision is that the Council is not entitled to rely on section 14(2) of FOIA to refuse the request. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation: Provide a fresh response to the request without relying on section 14(2) of FOIA.

FOI 14(2): Complaint upheld

[Decision notice IC-294408-P5V1](#)

Department for Levelling Up, Housing and Communities

26 Jul 2024, Central government

The complainant requested information from the Department for Levelling Up, Housing and Communities (DLUHC) about the assessment of the overall sufficiency of **adult social care** funding and the local government finance settlement 2023 to 2024 policy impact statement. DLUHC withheld some of the requested information under section 35(1)(a) of FOIA (formulation and development of government policy). The complainant also raised other concerns about how the request was handled. DLUHC has recently changed name to the Ministry of Housing, Communities and Local Government (MHCLG). As this occurred after DLUHC's most recent correspondence with the Commissioner regarding this case, this decision notice

refers to DLUHC throughout except in relation to the steps now required by the department. The Commissioner's decision is that: One further document held by DLUHC is within the scope of the request. However, the Commissioner is satisfied that, with the exception of this document, on the balance of probabilities, DLUHC has identified all of the information held within the scope of the request; DLUHC is not entitled to rely on section 35(1)(a) of FOIA to withhold majority of the information withheld on this basis (including the additional document that the Commissioner has determined is within the scope of the request). Although this exemption is engaged with respect to all of the withheld information, the Commissioner's decision is that the public interest in disclosure of the majority this information outweighs that in maintaining the exemption; DLUHC failed to comply with section 10 of FOIA when dealing with this request as it failed to respond to the request within 20 working days; DLUHC was incorrect to state that part 4 of the request is not a valid request for information. However, as DLUHC has already provided the requested information, the Commissioner does not require DLUHC to take any steps in respect to this part of the request. The Commissioner requires MHCLG to take the following steps to ensure compliance with the legislation: Disclose the information withheld under section 35(1)(a) (including the additional document that the Commissioner has determined is within the scope of the request) except for the information within the document "What will the additional **adult social care** funding in 23/24 and 24/25 likely deliver?" that relates to "Key Question 4" and the information within the same... FOI 35(1)(a): Complaint partly upheld FOI 10: Complaint upheld FOI 1(1): Complaint upheld FOI 8: Complaint upheld
[Decision notice IC-285725-D7S7](#)