



Humber and North Yorkshire
Health and Care Partnership



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

Freedom of Information (FOI) Quarterly Report

Year End 2023/24 and Quarter Four
2023/24 covering the period: 1 January to
31 March 2024

Freedom of Information Delivery Manager

Introduction

This report provides the Quarter Four and Year End position for requests received by NHS Humber and North Yorkshire Integrated Care Board (ICB) under the Freedom of Information Act 2000 (FOIA) during the period 1 January to 31 March 2024 and a comparison against the previous quarter and the corresponding quarter from the previous financial year.

Volume of Requests and Timeliness of Responses

As the ICB was not established until 1 July 2022, no comparison against Quarter One from 2022/23 is available for the ICB and it is considered that previous CCG data would not be suitable for comparison, however, the table below shows quarterly comparisons for the ICB from 1 July 2022.

	Quarter 1 2022/23	Quarter 2 2022/23	Quarter 3 2022/23	Quarter 4 2022/23	Quarter 1 2023/24	Quarter 2 2023/24	Quarter 3 2023/24	Quarter 4 2023/24
Requests Received	Apr - Jun	Jul – Sep	Oct – Dec	Jan – Mar	Apr - Jun	Jul – Sep	Oct – Dec	Jan – Mar
Total number of FOI requests received:	N/A	72	89	120	142	148	129	147
Total Number of FOI Processed	N/A	71*	88*	118*	140*	145*	126*	142**
Number processed within 20 working days	N/A	71	88	118	140	144*	125*	142
Percentage FOI processed within 20 working days	N/A	100%	100%	100%	100%	99.3%	99.2%	100%
Average time taken to process (days)	N/A	14	13	12	12	11	14	11

*Please see previous report for details.

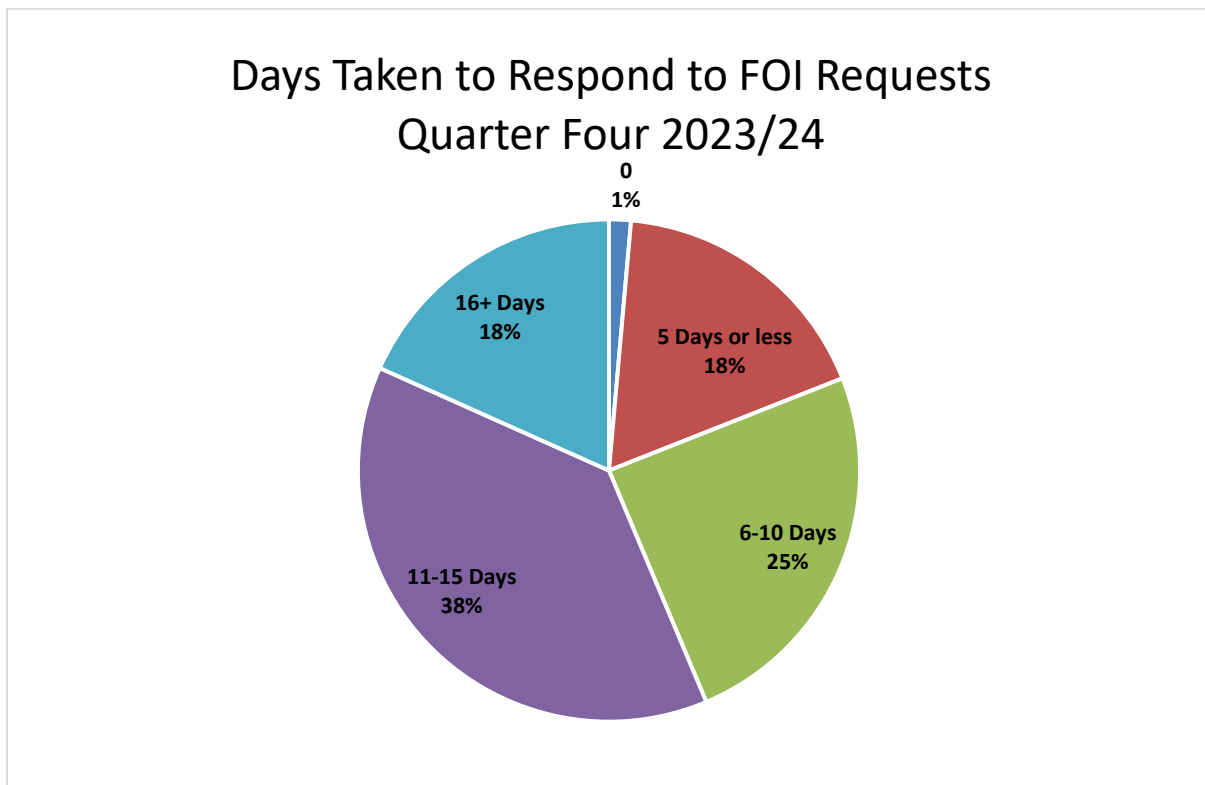
**HNY 0732, HNY 0786, and HNY 0809 – Clarification request and not received within set timeframe, therefore request closed. HNY 0750 – Request withdrawn by applicant. HNY 0760 – Applicant requested to be handled as Media Enquiry not FOI.

Response Times

Quarter Four 2023/24 has seen an increase of 13% in the number of FOIA requests received and processed on the number of requests received and processed in Quarter Three 2023/24. The number of requests received and processed in Quarter Four 2023/24 was 20% higher than that in Quarter Four 2022/23.

A 100% compliance with the statutory 20-working day timeframe has been maintained throughout Quarter Four, with an average closure time of 11 days.

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



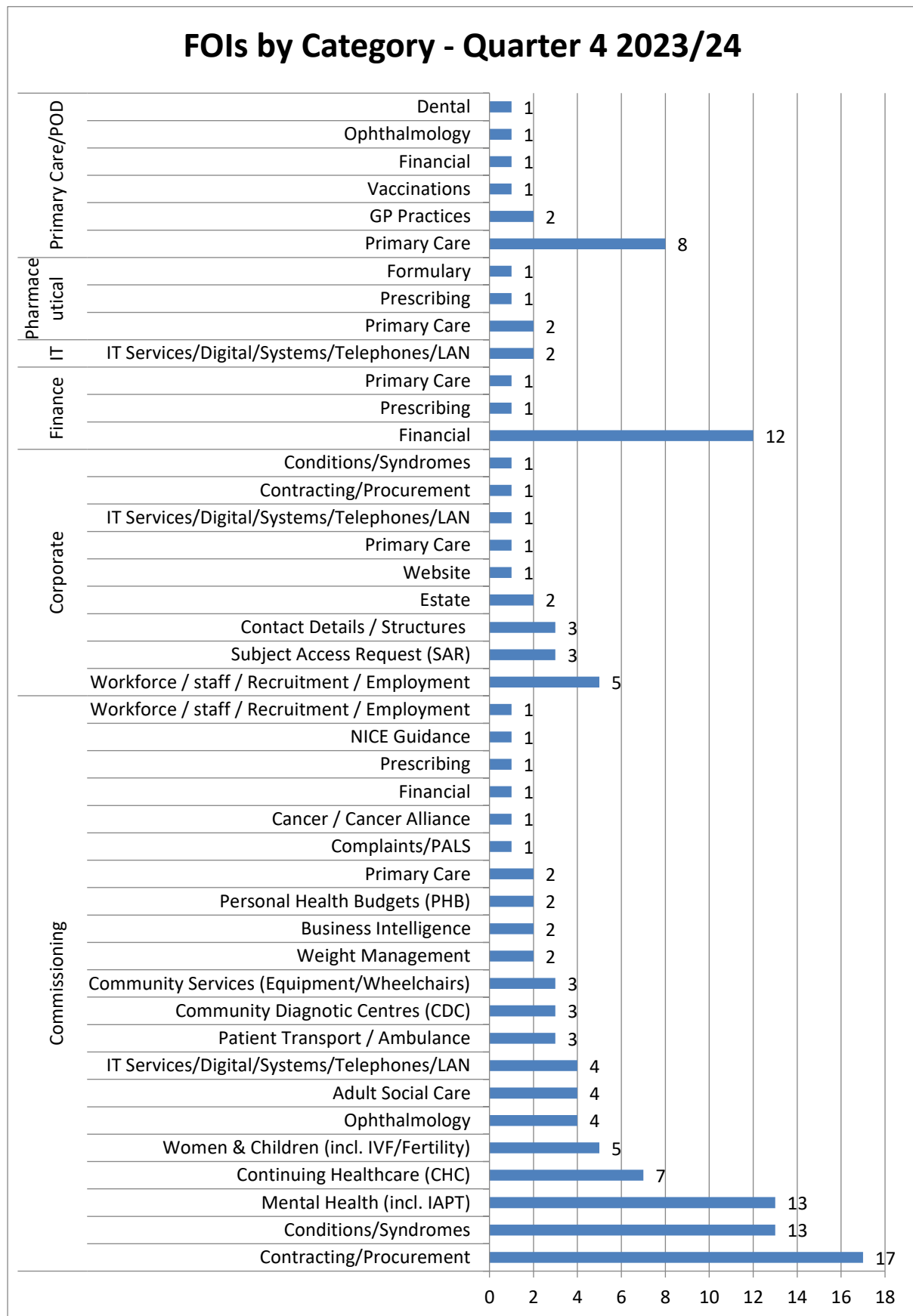
It is acknowledged that response times continue to be compliant with statutory timescales due to continuing support from colleagues and teams whose capacity has been impacted by their own workloads and organisational changes; and that support is greatly appreciated. The FOI Team continuously works closely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

Subject Area of Request

The ICB has received FOI requests on various topics and in some cases the requests contain multiple questions for different types of information.

The FOI Team regularly review and update reporting parameters to ensure the most relevant information is provided in reports. Incoming FOI requests are recorded under a choice of 9 subject areas and 60 themes, many of which are detailed in the chart below. The requests received are diverse and singular, however, the predominant subject areas in Quarter Four were commissioning related, with a total of 17 requests requesting information regarding contracting/procurement, followed by requests relating to mental health commissioning and conditions/syndromes commissioning, with a total of 13 requests respectively, thus proving to be popular topics.

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

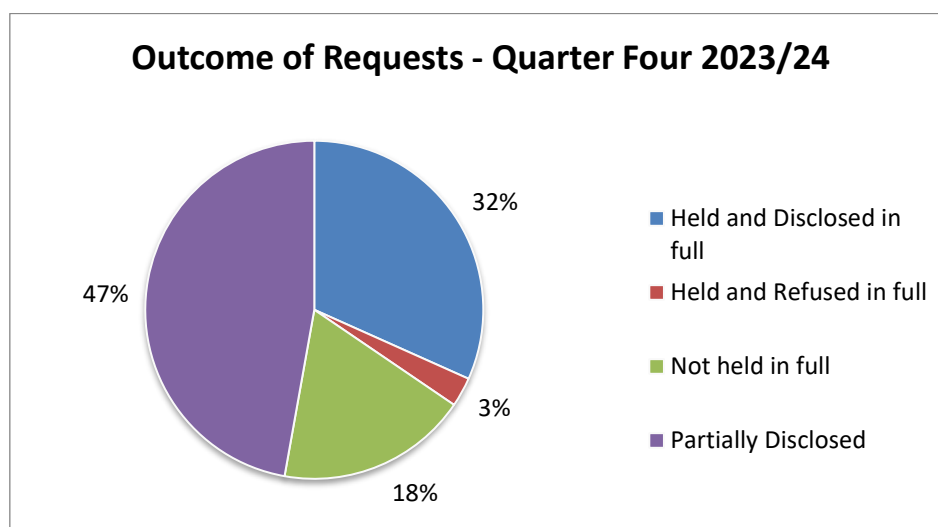


Outcome of Requests Processed

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

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Information Held and Disclosed in Full	46 (33%)	39 (27%)	42 (33%)	45 (32%)
Information Not Held by ICB	28 (20%)	31 (21%)	19 (15%)	26 (18%)
Information Held and Refused in Full – Exempt	8 (6%)	7 (5%)	9 (7%)	4 (3%)
Partially Disclosed as Not Held or an Exemption applied	58 (41%)	68 (47%)	56 (44%)	67 (47%)
Total Number of Requests	140	145	126	142

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



During Quarter Four of the 142 requests processed, 26 (18%) sought information that was not held by the ICB. 45 (32%) received information in full, 67 (47%) 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. 4 (3%) were withheld in full as one or more exemptions applied. In total, 31 (22%) of the requests had one or more exemptions applied.

Exemptions

There were 35 exemptions applied in total during the quarter. The most applied exemptions this quarter were Section 40 with 12 instances, followed by Section 21 with 11 instances respectively.

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

Exemption / Reason for Refusal	Quarter 1	Quarter 2	Quarter 3	Quarter 4
12 – Cost of compliance	7	9	9	7
21 – Accessible by other means	23	21	10	11
22 – Future Publication	2	5	2	1
36 – Prejudice to the effective conduct of public affairs	0	0	0	1
31 – Law Enforcement	1	1	1	
40 – Personal Data	8	17	14	12
41 – Information Provided in Confidence	0	1	0	1
42 – Legal and Professional Privilege	0	1	1	0
43 – Commercial Interests	0	2	1	2
Total	41	57	38	35

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.

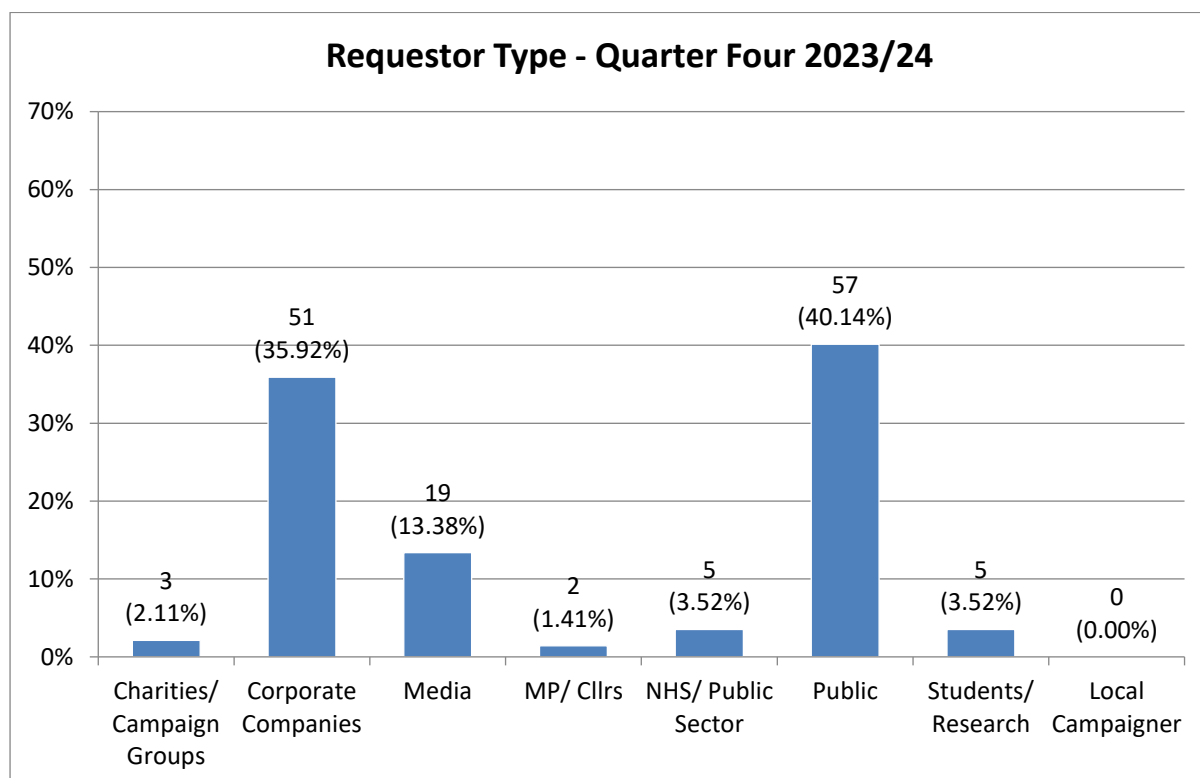
The table below shows which organisations were highlighted as sources of information and on how many occasions during the quarter:

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
NHS-Acute	30	33	11	17
NHS-Mental Health	11	10	6	9
NHS Other	1	5	2	11
NHSE/I	2	2	1	4
GPs	4	2	3	0
Local Authority	5	9	7	10
NHS Digital	0	2	0	1
Independent Sector	12	7	5	7
CSU	0	0	0	0
Other	4	2	0	3
Total	69	72	35	62

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.

The table below shows the comparison of the types of requesters during the financial year 2023/24:

Summary of Requesters	Quarter 1 2023/24	Quarter 2 2023/24	Quarter 3 2023/24	Quarter 4 2023/24
	Apr - Jun	Jul – Sep	Oct - Dec	Jan - Mar
Charities, Voluntary Sector / Campaign Groups	11	11	7	3
Corporate Companies	45	22	32	51
Media (local and national)	13	15	13	19
Members of Parliament / Local Councillors	5	4	4	2

Summary of Requesters	Quarter 1 2023/24	Quarter 2 2023/24	Quarter 3 2023/24	Quarter 4 2023/24
	Apr - Jun	Jul – Sep	Oct - Dec	Jan - Mar
NHS/ Public Sector Organisations	62	7	5	5
Individual Members of the Public	4	81	64	57
Students / Research	11	5	1	5
Local Campaigner	0	0	0	0
Total	140	145	126	142

Figures are based on processed/completed requests only.

Internal Reviews

There were no Internal Reviews request received during Quarter Four between 1 January and 31 March 2024.

Issues

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

Training

No FOIA specific training sessions were delivered during Quarter Four 2023/24. General or specific FOI training is available from the FOI Team on request.

Records Management and Governance

The Section 46 code of practice under FOIA covers good records management practice and the obligations of public authorities under the Public Records Acts to maintain their records in an ordered and managed way, so that information can be readily retrieved when it is needed.

The FOI Team regularly review FOI records in line with retention schedule recommendations as set out in the latest [NHS Records Management Code of Practice](#). At this time no further records have been identified for destruction.

Customer Feedback

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. One response was returned

during Quarter Four. The responder rated the service 4 out of 6. The questions, scores and responses received are shown in Appendix One.

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

Reporting

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

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

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 Three the ICO issued 39 decisions notices to the health sector and none 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:

ICO updates guidance on Records Management Code of Practice

The ICO has updated its [guidance](#) on the Section 46 Records Management Code of Practice to align content with the revisions and updates to the Code that were made by The National Archives in July 2021. The revisions were made to provide guidance to relevant authorities that reflects contemporary

information management practice and the modern digital working environment.

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 January to 31 March 2024, the ICB received and processed 142 requests for information under FOIA. In most cases (47%), 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 32% of the requests received information in full. A small number of cases (3%) were withheld in full as one or more exemptions applied. In 18% of cases information sought was confirmed not to be held by the ICB. In total, 22% of the requests had one or more exemptions applied.

A 100% compliance with the statutory 20-working day timeframe has been maintained throughout Quarter Four, with an average closure time of 11 days.

There were no Internal Reviews request received during Quarter Four between 1 January and 31 March 2024.

End of Year Summary

In summary, between 1 April 2023 and 31 March 2024, the ICB received and processed 553 requests for information under FOIA.

The ICB provided the full information requested in 172 (31%) cases and for 141 (25%) requests an exemption was applied either to part of, or to the whole request. In 353 (64%) cases, the ICB was unable to provide all the information requested, as it was either not held in full, or only partially held. Where information was not held, the applicant was redirected, where possible, to other organisation(s) that may hold the information.

The ICB has undertaken two internal reviews, in both cases the original decision was upheld, however, in one instance additional information was supplied.

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

The FOI Team continued to support and assist ICB staff who provide or collate information for FOI requests and have maintained a 99.6% compliance rate with FOIA statutory response times during the Full Year 2023/24 and requests took an average of 12 days to process.

Freedom of Information Delivery Manager
May 2024

Appendix One

Survey Questions	Response 1
Q1. Thinking about your recent request to us under the Freedom of Information (FOI) Act: How easy to understand did you find the response?	Satisfactory
Q2. How thoroughly did the response answer your request?	Satisfactory
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
Q4. If the any of the information requested was withheld and/or refused, did you understand which exemption(s) were applied and why?	Not applicable
Q5. Did you understand the information provided on: how to request an Internal Review, complain to the ICB and to the Information Commissioner?	Yes
Q6. Before submitting your request did you look at information already published on the ICB website?	No
Q7. Was the Freedom of Information contact email address easy to find on the website?	Yes
Q8. Please rate the FOI response on a scale of 1 – 6 (with: 1 being very unhelpful and 6 being very helpful)	4
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)	4
Q10. We are keen to ensure our service is user friendly and value all feedback and ideas or suggestions on how we might improve. Please comment below:	The CIC provider didn't read questions properly so required two follow-ups. However the ICB was prompt in relaying these and the responses.

DECISION NOTICES
Health Sector Related (39 in total)
Search for keywords: Adult Social Care (0)
1 January to 31 March 2024

[Hywel Dda University Health Board](#)

28 Mar 2024, Health

The complainant has requested information which was considered by Hywel Dda University Health Board (UHB) during its investigation into a complaint about the treatment and care of a third party at Glangwili General Hospital. UHB refused to disclose the information citing sections 21 (information reasonable accessible to applicant) and 31(1)(g) (law enforcement) by virtue of section 31(2)(b) of FOIA. The Commissioner's decision is that UHB was entitled to rely on sections 21 and 31 to withhold the information. He does not require UHB to take any further steps.

FOI 21: Complaint not upheld FOI 31(1)(g): Complaint not upheld

[Decision notice IC-270299-J1M1](#)

[UK Health Security Agency](#)

21 Mar 2024, Health

The complainant has requested information about the Government guidance: 'Coronavirus (COVID-19): admission and care of people in care homes.' UKHSA refused to provide a number of documents containing email exchanges and draft versions of the guidance citing sections 36(2)(b)(i), 36(2)(b)(ii) and 36(2)(c) (prejudice to the effective conduct of public affairs) of FOIA. The Commissioner's decision is that at the time of the request UKHSA was correct to rely on section 36(2)(b)(i), section 36(2)(b)(ii) and section 36(2)(c) of FOIA to withhold the documents that fall within scope of the complainant's request. The public interest favoured maintaining these exemptions.

FOI 36: Complaint not upheld

[Decision notice IC-265216-L6Q8](#)

[NHS England](#)

20 Mar 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 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-288943-T2Y5](#)

[General Medical Council](#)

18 Mar 2024, Health

The complainant has requested information about the numbers of current General Medical Council staff that have criminal convictions or community resolution orders, have received police warnings or cautions, or are under police investigation. The General Medical Council ('the 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

[Decision notice IC-271984-H0W1](#)

[Kent Community Health NHS Foundation Trust](#)

13 Mar 2024, Health

The Commissioner's decision is that Kent Community Health NHS Foundation Trust ('the Trust') has satisfactorily addressed the complainant's request for outcomes of particular autism assessments and has complied with section 1(1) of FOIA. It's not necessary for the Trust to take any corrective steps.

FOI 1: Complaint not upheld

[Decision notice IC-283042-D0S5](#)

[Kent Community Health NHS Foundation Trust](#)

13 Mar 2024, Health

The Commissioner's decision is that the Kent Community Health NHS Foundation Trust ('the Trust') correctly applied section 43(2) of FOIA to the request for an autism assessment report template. This exemption concerns commercial interests. It's not necessary for the Trust to take any corrective steps.

FOI 43: Complaint not upheld

[Decision notice IC-283032-N4V5](#)

[Kent Community Health NHS Foundation Trust](#)

13 Mar 2024, Health

The Commissioner's decision is that, on the balance of probabilities, Kent Community Health NHS Foundation Trust ('the Trust') doesn't hold information within scope of the request for changes made to a report template and has complied with section 1(1) of FOIA. It's not necessary for the Trust to take any corrective steps.

FOI 1: Complaint not upheld

[Decision notice IC-279421-Z0K8](#)

[Kent Community Health NHS Foundation Trust](#)

13 Mar 2024, Health

The Commissioner's decision is that Kent Community Health NHS Foundation Trust ('the Trust') doesn't hold the requested information about autism assessment outcomes but that it didn't comply with section 1(1)(a) and 10(1) of FOIA. This is

because the Trust didn't confirm it doesn't hold the information within the statutory timeframe. It's not necessary for the Trust to take any corrective steps.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-283053-K4L5](#)

[NHS England](#)

13 Mar 2024, Health

The complainant has requested information about complaints "for the last 5 years" from NHS England (NHSE). NHSE originally withheld the information under section 21 and 22 of FOIA. This is because some of the information was already accessible to the complainant and because, at the time of the request, the remainder was intended for future publication. NHSE subsequently disclosed information relevant to the request. The complainant is dissatisfied because NHSE disclosed the information in financial years and the complainant considers it was clear that they wanted the information in calendar years. The Commissioner's decision is that NHSE's interpretation of the request as being for information in financial years was reasonable and that it complied with section 1(1) of FOIA. It's not necessary for NHSE to take any corrective steps.

FOI 1: Complaint not upheld

[Decision notice IC-270955-D4F7](#)

[Kent Community Health NHS Foundation Trust](#)

13 Mar 2024, Health

The complainant has submitted a 10-part request to Kent Community Health NHS Foundation Trust ('the Trust') about autism-ADHD assessments. The Trust provided information relevant to seven parts, confirmed it doesn't information relevant to one part and relied on section 12 of FOIA to refuse two parts. Section 12 concerns the cost of complying with a request. With regard to the four parts of the request in scope of this investigation, the Commissioner's decision is as follows: On the balance of probabilities, the Trust holds no further information within scope of part 2 and part 6 of the request. However, the Trust didn't comply with section 1(1) and 10(1) of FOIA with regard to part 6 as it didn't confirm it doesn't hold relevant information within the statutory timeframe. The Trust is entitled to rely on section 12 of FOIA to refuse part 1 of the request. There was no duty to offer advice and assistance in respect of part 1 or part 5 of the request and as such there was no breach of section 16(1) of FOIA. However, there was a breach of section 16(1) in respect of part 6 of the request. It's not necessary for the Trust to take any corrective steps.

FOI 10: Complaint upheld FOI 16: Complaint partly upheld FOI 1: Complaint upheld FOI 12: Complaint not upheld

[Decision notice IC-282854-Z8F6](#)

[NHS England](#)

12 Mar 2024, Health

The complainant has requested information about defined contribution pension schemes and the usage of annual leave entitlements by NHS staff. NHS England confirmed that it did not hold the requested information under section 1(1)(a) FOIA. The Commissioner considers that on the balance of probabilities NHS England does not hold the requested information under section 1(1)(a) FOIA. The Commissioner requires no steps to be taken.

FOI 1: Complaint not upheld

[Decision notice IC-271337-M7M2](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

11 Mar 2024, Health

The Commissioner's decision is that, on the balance of probabilities, Liverpool University Hospitals NHS Foundation Trust ('the Trust') doesn't hold the requested explanation about two "contradictory" answers and has complied with section 1(1)(a) and 10(1) of FOIA. It's not necessary for the Trust to take any corrective steps.

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

[Decision notice IC-273983-N8F2](#)

[NHS Supply Chain Coordination Ltd](#)

8 Mar 2024, Health

The complainant has requested the unit cost paid to NHS Supply Chain Coordination Ltd (SCCL) for the purchase of certain items. SCCL refused to provide the requested information, citing section 43(2) (commercial interests) of FOIA. Later SCCL also cited section 41(1) of FOIA (information provided in confidence). The Commissioner's decision is that SCCL appropriately withheld the requested information under section 43(2) of FOIA. The Commissioner does not require further steps.

FOI 43(2): Complaint not upheld

[Decision notice IC-264868-H1H6](#)

[NHS England](#)

7 Mar 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 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-274403-M9N9](#)

MHRA

5 Mar 2024, Health

The complainant has requested information about vaccines. The MHRA (“the public authority”) refused to comply with the request, citing section 14(1) (vexatious requests). The Commissioner’s decision is that to comply with the request would incur a grossly oppressive burden on the public authority and it’s entitled to rely on section 14(1) in order to refuse it. The Commissioner does not require further steps.

FOI 14(1): Complaint not upheld

[Decision notice IC-275049-L9R6](#)

NHS Business Services Authority

5 Mar 2024, Health

The complainant has requested NHSBSA to disclose email correspondence between specified dates, relating to the Infected Blood’s second interim report. NHSBSA refused to disclose the information citing sections 36(2)(b)(i) and (ii) and 36(2)(c) of FOIA. The Commissioner’s decision is that NHSBSA is entitled to refuse to disclose the requested information in accordance with sections 36(2)(b)(i) and (ii) and 36(2)(c) of FOIA. The Commissioner does not require further steps to be taken.

FOI 36(2)(b)(i): Complaint upheld FOI 36(2)(c): Complaint upheld FOI

36(2)(b)(ii): Complaint upheld

[Decision notice IC-256155-Z2P4](#)

Epsom and St Helier University Hospitals NHS Trust

23 Feb 2024, Health

The complainant has requested information from Epsom and St Helier University Hospitals NHS Trust (the Trust) about applicants for jobs. The Trust provided some information but cited section 12 (cost of compliance exceeds appropriate limit) of FOIA to part of the request. Much later the Trust questioned the accuracy of the information it had provided and concluded that section 12 applied to the whole request. The Commissioner’s decision is that the Trust has cited section 12(1) of FOIA appropriately. He has found a breach of section 16(1) of FOIA in the Trust’s original response to the complainant. However, he accepts that the Trust is now unable to offer any meaningful advice and assistance, given the history and context of the request. The Commissioner has also decided that the Trust breached sections 1(1), 10(1) and 17(5) of FOIA in terms of the timeliness of its response. The Commissioner does not require further steps.

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

[Decision notice IC-263775-X4Y1](#)

NHS Coventry and Warwickshire Integrated Care Board

22 Feb 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 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 ICB was correct to apply section 22 of FOIA at the time of the request. No steps are required as a result of this notice.

FOI 22: Complaint not upheld

[Decision notice IC-265704-W7S6](#)

[Liverpool University Hospitals NHS Foundation Trust](#)

22 Feb 2024, Health

The complainant requested information relating to updates around litigation for the New Royal Hospital. Liverpool University Hospitals NHS Foundation Trust (the Trust) withheld the information requested under regulation 12(5)(b) of EIR. The Commissioner's decision is that the Trust was entitled to rely on regulation 12(5)(b) – course of justice, and the balance of the public interest lies in maintaining the exception. The Commissioner does not require any steps to be taken as a result of this decision. Keywords/themes: New Royal Liverpool Hospital

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

[Decision notice IC-271216-T8Q6](#)

[Sheffield Health and Social Care NHS Foundation Trust](#)

19 Feb 2024, Health

The complainant has requested information about gender identity services at Sheffield Health and Social Care NHS Foundation Trust (SHSC). SHSC provided some information but stated that it did not hold information relating to parts two and three of the request. The Commissioner's decision is that SHSC does not hold the requested information at parts two and three, on the balance of probability. However, the Commissioner has recorded a breach of sections 1 and 10 of FOIA as SHSC responded and provided information to which the complainant was entitled outside the statutory timeframe.

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

[Decision notice IC-279531-S2F2](#)

[Care Quality Commission](#)

14 Feb 2024, Health

The complainant has requested information relating to an inspection of the Northern Care Alliance. The Care Quality Commission ("the public authority") refused to comply with the request, citing section 14(1) (vexatious requests) of FOIA. The Commissioner's decision is that to comply with the request would impose a grossly oppressive burden on the public authority. Therefore it was entitled to refuse the request under section 14(1). The Commissioner does not require further steps.

FOI 14: Complaint not upheld

[Decision notice IC-269876-S4Y8](#)

[NHS South East London ICB](#)

7 Feb 2024, Health

The complainant has requested from NHS South East London Integrated Care Board (the ICB) information relating to fees charged to patients for services by GP practices and the number and identity of GP practices it is in contract with. The ICB denied holding account information about fees charged to patients for services by GP practices. During the course of the Commissioner's investigation the ICB however confirmed that it holds information about the number and identity of the GP practices it is in contract with. The Commissioner's decision is that, on the balance of probabilities, the ICB does not hold information relating to fees charged to patients for services by GP practices. However, by failing to confirm and disclose to the complainant the number and identity of the GP practices it is contact with, the ICB has breached section 1(1) of the FOIA. The Commissioner requires the ICB to take the following steps to ensure compliance with the legislation. Provide the complainant with the number and identity of the GP practices it is contract with.

FOI 1(1): Complaint partly upheld

[Decision notice IC-254823-Q0Q1](#)

[North Middlesex University Hospital NHS Trust](#)

6 Feb 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 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-278567-B3T8](#)

[St George's University Hospitals NHS Foundation Trust](#)

6 Feb 2024, Health

The complainant has requested information from St George's University Hospitals NHS Foundation Trust (the Trust) about applicants for jobs. The Trust refused to provide the information, initially citing section 22 (future publication) of FOIA but later withdrew that exemption and cited section 12 (cost exceeds limit) of FOIA. The Commissioner's decision is that the Trust has cited section 12(1) of FOIA appropriately. He also accepts that the Trust could not offer any meaningful advice and assistance, given the context of the request. However, the Trust breached sections 1(1), 10(1) and 17(1) of FOIA in terms of the timeliness of its response. The Commissioner does not require further steps.

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

[Decision notice IC-261361-V6G6](#)

[North Middlesex University Hospital NHS Trust](#)

5 Feb 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 35 calendar days in accordance with its obligations under FOIA.

FOI 10(1): Complaint upheld

[Decision notice IC-278560-Z2J2](#)

[Chelsea and Westminster NHS Foundation Trust](#)

5 Feb 2024, Health

The complainant has requested the trust to disclose information relating to its decision to take down a piece of artwork. The trust provided some information but withheld other information under section 21 of FOIA. It also confirmed that it does not hold recorded information relating to other aspects of the request. During the Commissioner's investigation the trust withdrew its application of section 21 and released the information to the complainant. In terms of additional information being held, it confirmed that no further recorded information falling within the scope of the request is held. The Commissioner's decision is that on the balance of probabilities no further recorded information falling within the scope of the complainant's request is held. He has however recorded a breach of section 1(1)(b) and 10 of FOIA. The Commissioner does not require any further action to be taken.

FOI 21: Complaint upheld FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-254407-H6N9](#)

[Care Quality Commission](#)

2 Feb 2024, Health

The complainant has requested information relating to a specific surgery. The Care Quality Commission ("the public authority") disclosed some information but also withheld information, citing section 31 (law enforcement) of FOIA. The Commissioner's decision is that the public authority was correct to withhold the information it did under section 31. The Commissioner does not require further steps.

FOI 31: Complaint not upheld

[Decision notice IC-271803-H2R3](#)

[Medicines and Healthcare Products Regulatory Agency](#)

1 Feb 2024, Health

The complainant has requested information about an email he received from the Medicines & Healthcare products Regulatory Agency ('the MHRA'). The MHRA cited section 14(1) of FOIA to refuse the request, on the grounds that it was vexatious. The Commissioner's decision is that the MHRA was entitled to rely on section 14(1) of FOIA to refuse the request. The Commissioner does not require further steps as a result of this decision.

FOI 14(1): Complaint not upheld

[Decision notice IC-259329-J3Z8](#)

[Medicines and Healthcare Products Regulatory Agency](#)

31 Jan 2024, Health

The complainant on behalf of a charity has submitted seven separate requests for information to the Medicines and Healthcare products Regulatory Agency (the MHRA) for information relating to the plant “St. John’s Wort”. The MHRA has relied on section 14(1) of FOIA to refuse all seven requests, on the basis that they are vexatious. The Commissioner’s decision is that the MHRA is entitled to rely on section 14 of FOIA. He is satisfied that the complainant’s requests can be characterised as being vexatious. The requests appear to be part of a concerted campaign that has resulted in a number of requests for information from different requesters, culminating in the complainant’s requests, which have placed a significant burden on the MHRA. However, the Commissioner has recorded procedural breaches of sections 1, 10 and 17 of FOIA. The Commissioner does not require the MHRA to take any further action in this matter.

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

[Decision notice IC-255384-F6B0](#)

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

30 Jan 2024, Health

The complainant requested information from Sandwell and West Birmingham Hospitals NHS Foundation Trust (‘the Trust’), relating to injury allowance claims, particularly those relating to work related stress. The Trust refused to comply with the requests citing section 12 of FOIA (cost limit). The Commissioner’s decision is that the Trust was entitled to refuse to comply with the requests in accordance with section 12(1) of FOIA. However, the Commissioner also finds that the Trust failed to comply with its obligations under section 16 to offer advice and assistance. The Trust also breached section 17(1) as it didn’t provide a refusal notice within the statutory time frame. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: Either provide the complainant with advice and assistance to help them submit a refined request or explain to them why it would not be reasonable in the circumstances to do so. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

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

[Decision notice IC-268102-C6R4](#)

[Kent Community Health NHS Foundation Trust](#)

29 Jan 2024, Health

The Commissioner’s decision is that on the balance of probabilities, Kent Community Health NHS Foundation Trust (‘the Trust’) doesn’t hold further recorded information

about adult autism assessments and has complied with section 1(1) and section 10(1) of FOIA. It's not necessary for the Trust to take any corrective steps.

Information Tribunal FTT FT/EA/2024/0072 under appeal.

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

[Decision notice IC-279385-J2K0](#)

[Kent Community Health NHS Foundation Trust](#)

29 Jan 2024, Health

The Commissioner's decision is that on the balance of probabilities, Kent Community Health NHS Foundation Trust ('the Trust') doesn't hold the requested information associated with a contract awarded to Psicon. The Trust breached section 1(1)(a) and section 10(1) however, as it didn't confirm it doesn't hold some of the information within the statutory timeframe. It's not necessary for the Trust to take any corrective steps. Information Tribunal FTT FT/EA/2024/0071 under appeal.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice IC-278169-H5P8](#)

[NHS England](#)

25 Jan 2024, Health

The complainant has requested from NHS England information about the cost of its review into North East Ambulance Service NHS Foundation Trust. NHS England responded to the request and provided answers to all of the questions asked. The Commissioner's decision is that, on the balance of probabilities, NHS England has identified and provided all the information within the scope of the request. NHS England has complied with section 1(1) and 10(1) of the FOIA. The Commissioner does not require any further steps to be taken.

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

[Decision notice IC-255797-V8M0](#)

[Imperial College Healthcare NHS Trust](#)

24 Jan 2024, Health

The public authority has failed to respond to this request within 20 working days, as specified in the EIR. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under the EIR.

EIR 5(2): Complaint upheld

[Decision notice IC-277144-B8V8](#)

[Essex Partnership University NHS Foundation Trust](#)

22 Jan 2024, Health

The complainant has requested information relating to specific doctors. Essex Partnership University NHS Foundation Trust, ("the public authority") refused to confirm or deny whether the information is held, citing section 40(5) (personal

information) of FOIA. The Commissioner's decision is that section 40(5) has been applied correctly. The Commissioner does not require further steps.

FOI 40(5): Complaint not upheld

[Decision notice IC-266135-Z2X8](#)

[London Ambulance Service NHS Trust](#)

11 Jan 2024, Health

The Commissioner's decision is that, on the balance of probabilities, London Ambulance Service NHS Trust ('the Trust') holds no further information within scope of the request about telephone call recordings. The Trust has complied with section 1(1) and 10(1) of FOIA, and no corrective steps are necessary.

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

[Decision notice IC-262548-M1F3](#)

[The London Road Medical Centre](#)

10 Jan 2024, Health

The complainant requested information relating to the take over of the London Road Medical Centre (the medical centre) by Aspire Medical Health. In particular, the complainant wished to be provided with information relating to the way in which patients were informed of the takeover. The medical centre has failed to respond to this request within 20 working days, as specified under FOIA. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.

FOI 10: Complaint upheld

[Decision notice IC-274206-X7S5](#)

[Public Health Wales](#)

8 Jan 2024, Health

The complainant has requested, from Public Health Wales NHS Trust (PHW), information about the vaccination status of Covid-19 hospital inpatients and admissions, for specified dates. PHW told the complainant that it hasn't created the type of report the complainant wants for the dates in question, so it doesn't hold the information. PHW has since explained to the Commissioner that whilst it can access the two databases that contain the data required to create the requested information, PHW itself doesn't actually hold the databases in question. The Commissioner's decision is that on the balance of probabilities, PHW doesn't hold the requested information (the report the complainant wants), as it doesn't hold the 'building blocks' (databases) to create it. The Commissioner doesn't require any steps as a result of this decision.

FOI 1: Complaint not upheld

[Decision notice IC-255610-Z0T6](#)

[NHS Sussex Integrated Care Board](#)

4 Jan 2024, Health

The complainant has requested documents and services relating to a TiAA report. NHS Sussex Integrated Care Board ('the public authority') disclosed some information in response to the request, applied section 21 (information reasonably accessible to the applicant via other means) to some information and denied holding other information. The Commissioner's decision is that: the public authority has fully complied with its obligations under section 1 (general right of access to information) of FOIA. The public authority was correct to apply section 21 to the information it did. The Commissioner does not require further steps.

FOI 21: Complaint not upheld FOI 1: Complaint not upheld

[Decision notice IC-262079-D3T3](#)