



Langport Surgery

Freedom of Information Policy

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1 Introduction

1.1 Policy statement

The purpose of this document is to ensure that staff and patients at Langport Surgery are aware of the ways in which the practice adheres to the Freedom of Information (Fol) Act 2000 (referred to as the Act herein). The Act enables the public to access information held by public authorities in two ways:¹

- Public authorities are obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from public authorities

It is important to note that the Act does not give individuals access to their own personal data, i.e. healthcare records; this is processed by means of a subject access request.

1.2 Status

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment.

1.3 Training and support

The practice will provide guidance and support to help those to whom it applies understand their rights and responsibilities under this policy. Additional support will be provided to managers and supervisors to enable them to deal more effectively with matters arising from this policy.

2 Scope

2.1 Who it applies to

This document applies to all employees of the practice and other individuals performing functions in relation to the practice, such as agency workers, locums and contractors.

2.2 Why and how it applies to them

Langport Surgery will ensure that the principles of the Act are adhered to and staff must make sure that any FOI requests are processed as per this guidance.

The practice aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the Equality Act 2010. Consideration has been given to the impact this policy might have in regard to the individual protected characteristics of those to whom it applies.

¹ [What is the Freedom of Information Act?](#)

3 Definition of terms

3.1 Freedom of Information

An Act to make provision for the disclosure of information held by public authorities or by persons providing services for them and to amend the Data Protection Act 2018 and the Public Records Act 1958; and for connected purposes.²

3.2 Information Commissioner's Office

The Information Commissioner's Office (ICO) is the UK's independent body set up to uphold information rights.

4 Policy

4.1 Obligations under the Act

In accordance with the Act, Langport Surgery must:³

- Publish certain information proactively
- Respond to requests for information

By accepting these obligations, the practice will be deemed to be operating in an open and transparent manner.

4.2 Principles

In general, the overarching principle of the Act is that people have a right to understand the activities of public authorities, including GP practices. The ICO states the following principles:³

- Everybody has a right to access official information;
- Applicants do not need to give a reason for wanting the information. On the contrary, organisations must justify refusing them information;
- All requests for information must be treated equally, except under some circumstances relating to vexatious requests and personal data. Furthermore, all requesters are to be treated equally, whether they are journalists, local residents, public authority employees or foreign researchers; and
- As all requesters are treated equally, you should only disclose information under the Act if you would disclose it to anyone else who asked

Information can be shared voluntarily outside the provisions of the Act.

4.3 Information publication

The ICO expects this practice to adopt its [model publication scheme](#) and commit to:⁴

² [Freedom of Information Act 2000](#)

³ [What is the Freedom of Information Act?](#)

- Proactively publishing or otherwise making available, as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below
- Specifying the information which is held by the authority and falls within the classifications below
- Proactively publishing or otherwise making available, as a matter of routine, information in line with the statements contained within this scheme
- Producing and publishing the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public
- Reviewing and updating on a regular basis the information the authority makes available under the scheme
- Producing a schedule of any fees charged for access to information, which is made proactively available
- Making this publication scheme available to the public
- Publishing any data set held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; publishing the data set, where reasonably practicable, in an electronic form that is capable of reuse; and, if any information in the data set is a relevant copyright work and the public authority is the only owner, making the information available for reuse under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the FOI Act section 19

The term 'data set' is defined in section 11(5) of the Act, and the term 'relevant copyright work' is defined in section 19(8) of the Act.

4.4 Classes of information

The publication scheme refers to seven classes or types of information:⁵

- Who we are and what we do – doctors in the practice, contact details, opening hours and other staffing details
- What we spend and how we spend it (current and previous financial year) – total cost of contracted services, audit of NHS income
- What our priorities are and how we are doing (current and previous year) – plans for developing and providing NHS services
- How we make decisions (current and previous year) – records of decisions made in the practice affecting the provision of NHS services
- Our policies and procedures (practices should state if a policy is 'not held' as well as listing any additional ones) – policies, protocols and procedures concerning the employment of staff; delivery of services; equality and diversity; health and safety; complaints; and records management (retention and destruction), data protection, the handling of requests for information, the patients' charter
- Lists and registers – it is unlikely that any practice will have any publicly available register or list
- The services we offer – current NHS services provided and any charges, information leaflets and out-of-hours arrangements

The ICO expects Langport Surgery to make the above information available unless:⁶

⁴ [ICO Model publication scheme](#)

⁵ [MDU Freedom of information](#)

- The requested information is not held;
- The information is exempt under one of the FOIA exemptions;
- The information is readily and publicly available from an external website; such information may have been provided either by the GP or on their behalf. The GP must provide a direct link to that information;
- The information is archived, out of date or otherwise inaccessible; or
- It would be impractical or resource-intensive to prepare the material for routine release

4.5 Requests for information

To ensure the validity of FOI requests, staff at Langport Surgery must ensure that the request:

- Is in writing, either letter or email
- Includes the requester's real name or is in the name of an organisation, or is by one person on behalf of another, i.e. a solicitor on behalf of their client
- Includes a correspondence address (email or postal)
- Describes the requested information

Staff should be mindful that almost anything in writing that asks for information can be deemed as a FOI request under the Act.

Requests pertaining to environmental information can be made verbally and should be responded to appropriately.

4.6 Responding to an information request

Langport Surgery will respond to information requests in accordance with the following guidance:⁵

- Ensure that the request meets the criteria for a valid FOI request; this should be in writing, include the requester's real name and a correspondence address and describe the information concerned. The ICO states that requesters do not have to ask for a specific document, and they may ask a question about a particular topic
- In instances of invalid requests, Langport Surgery must provide advice and assistance, informing the requester how to make a request under the Act
- Class all requests for personal data as 'subject access requests'
- Ask for clarity if there is any doubt or uncertainty about the request
- Ensure that all requests are responded to within the 20-day time frame
- Send the information to the applicant by whatever means they have requested
- Redact sensitive personal information before sending (obtain professional advice if necessary)

Langport Surgery must respond to all FOI requests and it is a criminal offence to deliberately destroy, hide or alter requested information to prevent it being released.

4.7 Refusing a request

⁶ ICO – Guide to information provided by GPs under the model publication scheme

At Langport Surgery , requests may be refused for the following reasons:⁷

- It would cost too much or take too much time for staff to process the request
- The request is vexatious (i.e. causing or tending to cause annoyance, frustration or worry)
- The request repeats a previous request from the same person

Langport Surgery is permitted to withhold information if an exemption applies. In all instances of refusal, the practice will send the requester a written refusal notice; this notice must state either that Langport Surgery has the information but is refusing to release it, or the practice is refusing to say whether the requested information is held.

Detailed information regarding exemptions can be found in sections 21-44 of Part II of the Act.

4.8 Summary

Langport Surgery has an obligation to make sure it adheres to the principles of the Act, ensuring right of access to information held at the practice. In doing so, the practice is demonstrating that it is operating in an open and transparent manner.

⁷ [ICO – When can we refuse a request for information](#)