

Three blue, 3D-rendered circles of varying sizes are arranged in a descending diagonal line from the top left towards the center of the page. The largest circle is at the top, followed by a medium-sized one, and a smaller one at the bottom.

Freedom of Information Quarter Four and Year End Report

NHS North Lincolnshire Clinical
Commissioning Group (CCG)

Quarter four 2019/20 report covering the period
January to March 2020
Annual : 01 April 2019 to 31 March 2020

Freedom of Information Delivery Manager

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INTRODUCTION

This report provides the Quarter Four position for requests received by NHS North Lincolnshire Clinical Commissioning Group (CCG) under the Freedom of Information Act 2000 (FOIA) from the period; 1 January to 30 March 2020 and a comparison against the same period in 2018/2019. It also provides the Full Year 2019/2020 by Quarter and Year End position along with the Year End Comparison to 2018/2019.

Volume of Requests – Timeliness of Responses

	Quarter 4 2018/19	Quarter 1 2019/20	Quarter 2 2018/19	Quarter 3 2018/19	Quarter 4 2018/19	Year to Date Comparison	
	Jan – Mar 2019	Apr – Jun 2019	Jul – Sep 2019	Oct – Dec 2019	Jan – Mar 2020	2018/19	2019/20
Requests Received							
Total number of FOI requests received:	58	63	72	63	62	258	260
Total Number of FOIs Processed	58	63	70**	61**	60**	257*	254**
Requests processed within 20 working days	58	63	70	61	60	256	254
Requests processed outside 20 working days	0	0	0	0	0	1	0
Percentage processed FOIs Completed within 20 working days	100%	100%	100%	100%	100%	99.6%	100%
Average time taken to process (days)	17	17	18	16	16	16	17

* Please see 2018/19 quarterly reports for further detail.

** Clarification was sought and not received, or cancelled as duplicate request (2 in Q2, 1 in Q3 and 1 in Q4).

Quarter Four 2019/20 has seen a decrease of 1.7% in the number of FOIA requests received and processed in comparison to the number of requests received and processed in Quarter Three 2019/2020. However the average number of days to process the requests has remained the same at 16 days.

Against the same period in 2018/2019 there has been a 3.4% increase and the average number of days to process the requests decreased by 1 day to 17 days. All requests processed in Quarter Four were completed within the statutory 20 working day deadline.

The Year End position at 3 March 2020 against the previous Year 2019 showed a 1.2% increase in the number of requests received and processed and the average number of days taken to process them has increased to 17 days. All requests processed in year 2019/2020 Four were completed well within the statutory 20 working day deadline.

Subject Area of Request

The CCG receives a variety of FOI requests on various topics and in some cases they contain multiple questions for a variety of information types. They are diverse and singular; however the predominant subject area in Quarter Four was Continuing Healthcare with 4 requests, followed by Mental Health and Referral Management with 3 requests each.

Over the full year the predominant subject areas were Primary Care Networks with 17 requests, followed by Continuing Healthcare with 15 requests and Mental Health with 12 requests.

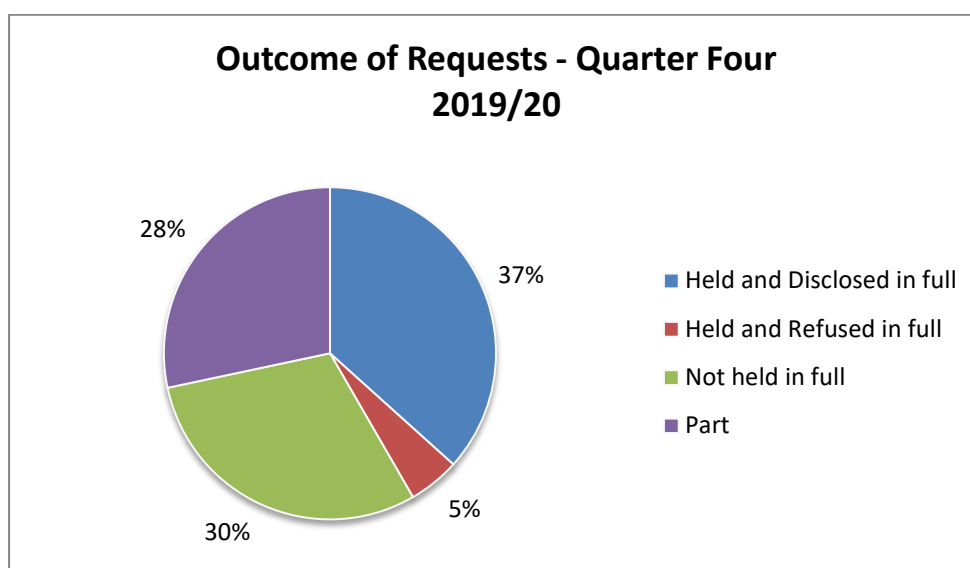
For a full illustration of the various topics for Quarter Four and the Full year, please see **Appendix One**.

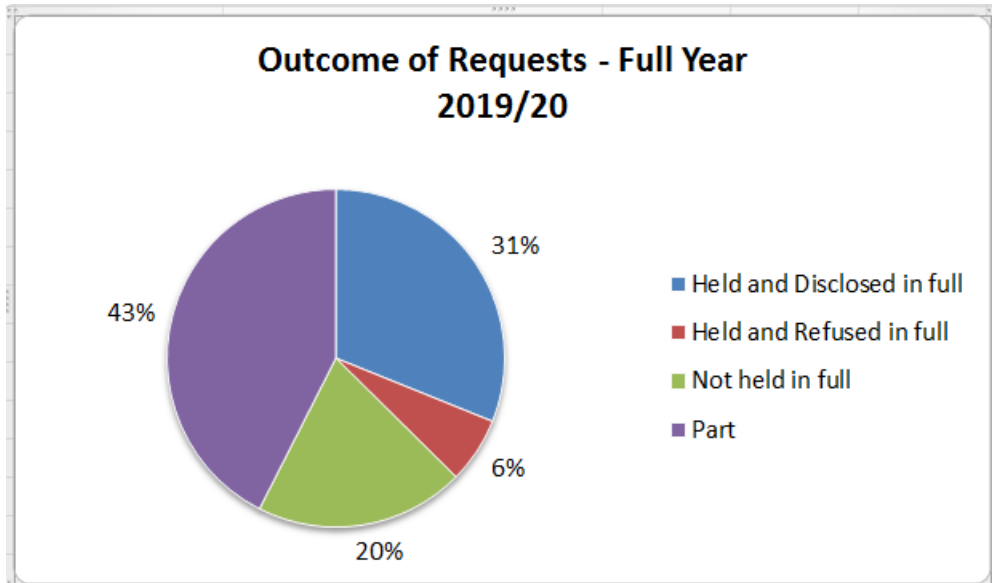
Outcome of Requests

The outcome of the 60 requests processed in Quarter 4 and 254 processed for the Full Year is illustrated below:

	Quarter 4	Full Year
Information was Held and Disclosed in Full	22 - 37%	79 - 31%
Information was Held and Refused in Full as Exempt	3 - 5%	16 - 6%
Information not provided as not held by the CCG	18 - 30%	51 - 20%
Partially disclosed as not held by CCG or Exemption(s) applied	17 - 28%	108 - 43%
Total Number of Requests	60	254

The charts below display the proportion of requests by Outcome for Quarter Four and the Full Year 2019/2020.





During Quarter four 2019/2020 of the 60 requests processed; 22% - (13) had one or more exemption applied to the request. For the Full Year 2019/2020 of the 254 requests processed: 61 had exemptions applied, which equates to 24% of the total number of requests.

The following table illustrates the number of instances information was not disclosed and the reason(s) for refusal/exemption applied during the quarter and full year. During Quarter Four and the Full Year, the most commonly applied exemption was Section 21, which demonstrates the CCG is able to redirect requesters to information which is already accessible to them.

Exemption / Reason for Refusal Quarter Four	Number of requests applied to
Section 21 – Accessible by Other Means	10
Section 40 – Data Protection	4
Section 43 – Commercial Interests	1
Total	15*

Exemption / Reason for Refusal Full Year 2019/2020	Number of instances applied
Section 12 - Cost of Compliance	6
Section 21 - Accessible by Other Means	39
Section 36 – Prejudice to Effective Conduct of Public Affairs	1
Section 40 – Personal Information	18
Section 43 – Commercial Interests	3
Total	64*

**One request can have more than one exemption applied within the response.*

The CCG has a duty to under Section 16 to provide advice and assistance to individuals making requests for information under FOIA. In instances where the CCG does not hold the information requested or when information is accessible by other means, the CCG will advise applicants as to which organisation may hold the information. The table below shows which organisation(s) were highlighted as sources of information and on how many occasions during the Quarter and Full Year:

	NHS-Acute	NHS-Mental Health	NHS Other	NHSE	GPs	Local Authority	NHS Prescription Services	NHS Digital	Private	Other
Q4	4	3	3	3	2	1	2		1	
2019/2020	27	14	8	5	9	11	4	1	2	4

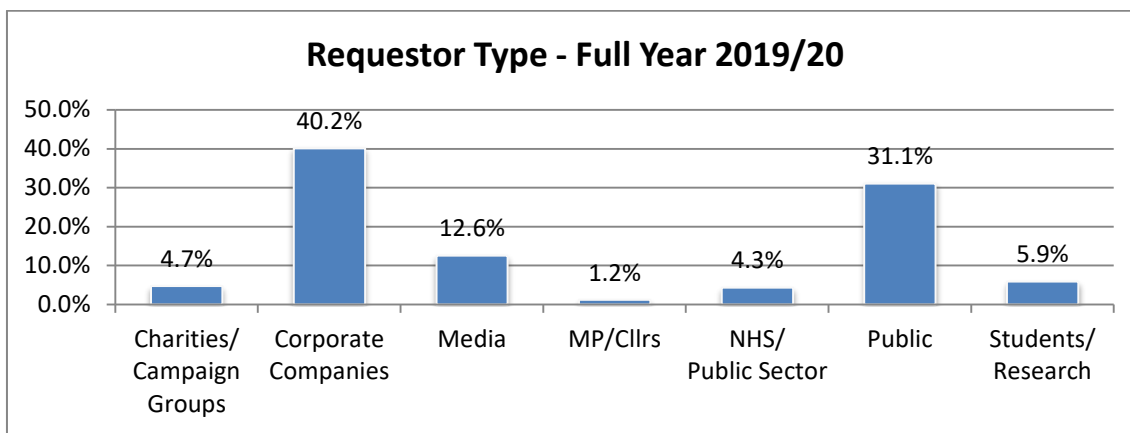
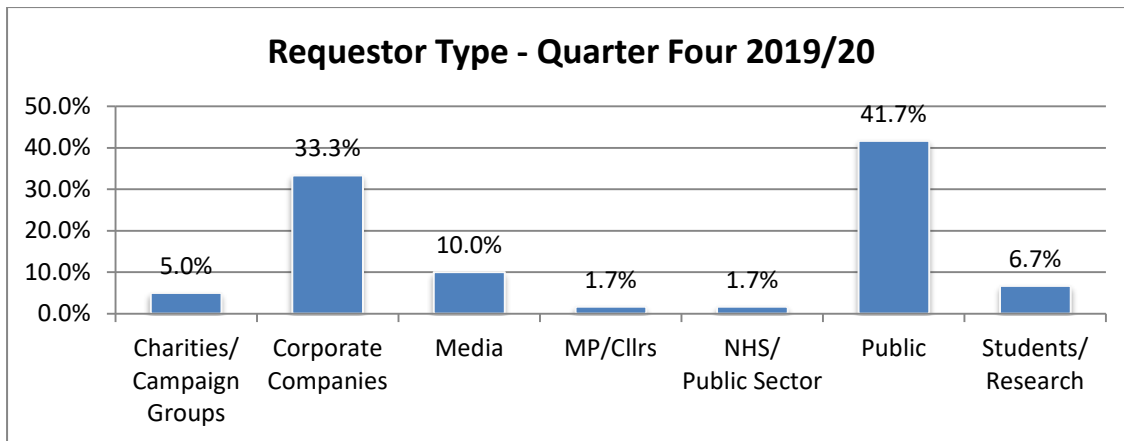
Category of Requester

In accordance with the FOIA, the CCG maintains an ‘applicant-blind’ approach when 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 tables and charts below; the main types of requester appear to be Individual Members of the Public in Quarter 4 and Corporate Companies for the Full Year.

Summary of Requesters*	Quarter 4	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Year to Date Comparison	
	2018/19	2019/20	2019/20	2019/20	2019/20	2018/19	2019/20
	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar		
Charities, Voluntary Sector / Campaign Groups	3	4	4	1	3	15	12
Corporate Companies	22	28	33	21	20	89	102
Media (local and national)	10	9	12	5	6	35	32
Members of Parliament / Local Councillors	0	2	0	0	1	9	3
NHS/ Public Sector Organisations	1	3	3	4	1	18	11
Individual Members of the Public	18	14	16	24	25	71	79
Students / Research	4	3	2	6	4	19	15
Total	58	63	70	61	60	256	254

*Figures based on completed requests.



Internal Reviews

During Quarter Four, between 1 January and 31 March 2020 there was one Internal Review requested and undertaken. The Review related to a request for detailed information included in a contract. The Review concluded that the relevant information had been supplied and the correct Exemptions had been applied to the remaining requested information that was withheld. This was the only Internal Review received during the Full Year 2019/2020.

Training

Freedom of Information Act specific training sessions were not requested or delivered during Quarter Four or during the Full Year 2019/2020. A two page 'Quick Guide to FOI' to help staff understand their responsibilities under FOIA had been provided to be circulated to relevant CCG staff in February 2019. This Guide will be reviewed, updated and recirculated in June 2020. FOI general or specific training is available from the FOI Team on request.

Records Management

During the 2019/2020 Financial year, FOI request records from 2015/16 were reviewed for destruction as per Policy and awaiting CCG SIRO approval. No records require further retention following an FOI Internal Review therefore all information related to FOI requests and responses along with all associated correspondence for year 2015/16 will be destroyed In line with Records Management Policy, once approval is received.

Destruction of Records for 2014/2015 was re-visited at the AIGC 4 March 2020 with regard to the retention period. It was agreed that, in line with national guidance, the retention period is lowered to 3 years (from 6 years), and only requires SIRO approval. No records require further retention following an FOI Internal Review therefore all information related to FOI requests and responses along with all associated correspondence for year 2014/15 will be destroyed In line with Records Management Policy.

Customer Feedback

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. During Quarter Four; only one was returned.

The feedback was positive, the requester rated the FOI response, and the response time as 'Very good' and scored 6 for the 'Helpfulness of the reply' and 'Quality of Service Provided' using a score of 1–6, with 6 being 'Very Helpful'. More detail can be found in NL CCG - Q4 Attachment 1.

During Quarter One 2019/2020, the FOI team also sought feedback from all the individuals and teams with the CCG that have been involved in the FOI process either by supplying information to satisfy a request and/or approving responses for distribution. The feedback provided was very positive with very complimentary comments on the team's ability to provide expert help and their responsiveness as well as for the overall service provided. Please see NL CCG Q1 2019-20 Report for more detailed information.

The internal feedback survey will be repeated during May/June 2020 and the results will be reported within the Quarter One 2020/2021 Report.

Assurance

In accordance with the FOI Shared Service Memorandum of Understanding (MOU) the FOI team adhere to the information processing requirements as identified in Schedule 3 of the MOU. For example; all information processing is undertaken in accordance with NHS Information Governance requirements and current Data Protection Legislation. The FOI team have undergone adequate training in the use, care, protection and handling of Personal Data.

1 April 2019 to 31 March 2020 End of Year Summary

In summary during the period from 1 April 2019 to 31 March 2020, the CCG processed 254 FOI Requests and provided the full information requested in 79 cases. The CCG did not provide all the information requested in 61 cases because one or more exemption was applied to either part of, or to the whole request. The exemptions applied were; Information was accessible by other means, the cost of providing the information exceeded the limits set by the FOIA, disclosure of information would be likely to prejudice the commercial interests of any person, information requested related to personal data or disclosure of information would be likely to prejudice the effective conduct of public affairs.

The CCG did not provide all the information requested in 114 cases; partial information was provided and where the CCG did not hold the information, the applicant was redirected, where possible, to other organisation(s); that may hold the information.

All requests were responded to within the statutory 20 working days, and the average time taken to process the requests for the year was 17 working days.

There was one request received during the Financial Year 2019/2020 for an Internal Review; during Quarter Four (NL 1664) was reviewed. The request related to IT Contracts and concluded the correct exemptions had been applied to the response.

Decision Notices - Information Commissioners Office (ICO) and News

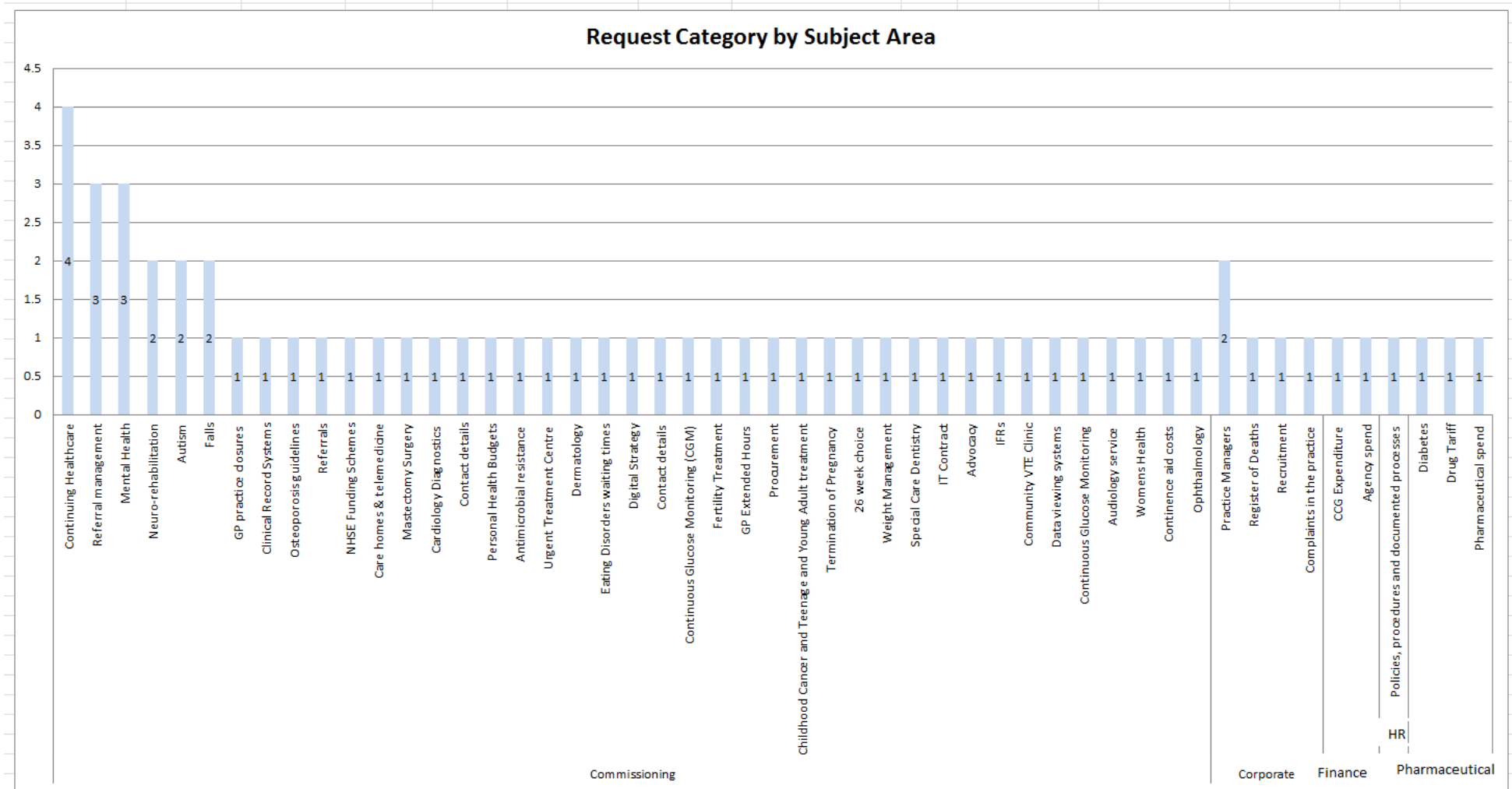
Appendix Two shows the ICO's health related Decision Notices for the quarter.

This quarter saw the Information Commissioner recognise the unprecedented challenges faced by all during the coronavirus (COVID-10) pandemic with regard to Freedom of Information and Data Protection, and published documentation setting out the regulatory approach for FOI during the COVID-19 pandemic. This did not change the FOIA timescales but advised how the ICO would exercise their enforcement powers, deliver guidance and support the public with complaints or queries. More information can be found at: <https://ico.org.uk/about-the-ico/news-and-events/icos-blog-on-its-information-rights-work/>

In line with the guidance, the FOI team amended the FOI acknowledgment sent to requesters to include the guidance along with reassurance of our continued commitment. This was also advised in the email sent to staff within the CCG for information for FOI requests, and we been able to support the CCG to maintain 100% compliance with FOIA response times.

Freedom of Information Delivery Manager

Appendix One



**Full Year 31 March 2019 to 31 March 2020
Request Subject by Category**

Theme	Themes	Count
Commissioning	Primary Care Networks	17
	Continuing Healthcare	15
	Mental Health	12
	Diabetes	5
	Contracts	4
	Autism	4
	Personal Health Budgets	4
	Referral management	3
	IFR	3
	IT Contract	2
	Termination of Pregnancy	2
	Referrals	2
	Non-emergency patient transport	2
	MSK	2
	Weight Management	2
	Care Homes	2
	Falls	2
	Neuro-rehabilitation	2
	Brexit	2
	Wrist Fractures	1
	Continuous Glucose Monitoring (CGM)	1
	NHS 111	1
	Prostate Cancer	1
	Contact details	1
	Locked Rehabilitation	1
	Clinically assisted nutrition and hydration (CANH)	1
	Contact details	1
	IFRs	1
	Fertility Treatment	1
	Special Care Dentistry	1
	Cataract Surgery	1
	Non-pharmacological therapy	1
	Eating Disorders	1
	IAPT-LTC services for Diabetes	1
	Procurement	1
	Antimicrobial resistance	1
	Section 117 funding	1
	Transcranial magnetic stimulation	1
	Endoscopy services	1
	Ophthalmology	1
Sexual Health Posting testing kits	1	
Childhood Cancer and Teenage and Young Adult treatment	1	
Continuous Glucose Monitoring devices	1	
Community VTE Clinic	1	

Orthotic Departments	1
Whooping cough	1
Optional GP services	1
Social enterprises	1
Inpatient rehabilitation	1
Hip & Knees Best Practice Tariff Enquiry	1
West town surgery	1
Acquired brain injury	1
Worster-Drought Syndrome	1
Out of Hours and 111 Services	1
Learning Disabilities	1
Cartridges used in printers at GP practices	1
Nursing and residential homes	1
Transforming care - Learning Disability / Autism	1
Plastic Speculum	1
Abortion waiting times	1
Axial Spondyloarthritis	1
Audiology service	1
Surgical services	1
Digital Strategy	1
Community Equipment Service	1
GP Extended Hours	1
ReSPECT form	1
26 week choice	1
NHS 111 / IUC service	1
Advocacy	1
Adult Eating Disorders	1
Continuous Glucose Monitoring	1
Specialist Stroke Unit	1
Abortion	1
Benchmarking supplier	1
Private Healthcare	1
Intelligent Automation (IA) – RPA, (Robotic Process Automation)	1
Cataract procedures	1
Infection Control support	1
Community Interest Companies	1
IVF	1
Wellbeing Prescribers	1
Homelessness	1
LEDER	1
Anticoagulation	1
Integrated Care Service / 111	1
Interpreting services	1
Cerebral Palsy	1
IMT	1
Use of telehealth care monitoring centres in the CCG NHS sector	1
Serious injuries to babies	1
Specialist Residential Placements	1

	Fraud	1
	Cognitive Behavioural Therapy	1
	Transport	1
	Pilot Schemes	1
	Genetic Haemochromatosis	1
	Delivery of services to children and families	1
	Pregnancy	1
	MSK services	1
	DPO	1
	Medicines management in care homes	1
	Schools	1
	Community Paediatric Feeding and Swallowing (dysphagia) services	1
	Wound Care	1
	Data viewing systems	1
	Holter ECG	1
	Continence aid costs	1
	PuPoC	1
	Eating Disorders waiting times	1
	Womens Health	1
	Clinical Record Systems	1
	Dermatology	1
	NHSE Funding Schemes	1
	Skin Emollient Products	1
	GP practice closures	1
	Procedures	1
	Mastectomy Surgery	1
	Fractures	1
	Osteoporosis guidelines	1
	VTE	1
	Care homes & telemedicine	1
	POLCE	1
	Pathology	1
	Nurses	1
	Cardiology Diagnostics	1
	Patient Communications	1
	Urgent Treatment Centre	1
	Spend on Care	1
	Abortion	1
	Private Rehabilitation	1
Commissioning Count		199
Corporate	Contact details	4
	Policies	2
	Practice Managers	2
	Primary Care Networks	2
	Structure	2
	FOI	1
	Recruitment	1

	Mobile / Personal Devices	1
	Business Intelligence	1
	Demographic Analysis	1
	Infected blood inquiry	1
	Telephony/VOIP	1
	Complaints in the practice	1
	Declarations of interest	1
	Continuing Healthcare	1
	Apprenticeship levy	1
	Consultants	1
	Referral management	1
	Register of Deaths	1
	Brexit	1
Corporate Count		27
Finance	Pharmaceutical spends	1
	End of Life	1
	CCG Expenditure	1
	Continuing Healthcare	1
	Glaucoma	1
	Agency spend	1
	Interim appointments	1
	Dynamic Purchasing System	1
	Contracts	1
	GP IT spending	1
Finance Count		10
Human Resources	Policies, procedures and documented processes	1
	Processing of organisation staff	1
Human Resources Count		2
Pharmaceutical	Rebate Schemes	3
	Formulary	2
	Prescribing	1
	Pharmaceutical spend	1
	Pharmacy Service Commissioning	1
	Pharmacists	1
	Pharmaceutical Rebates	1
	Drug Tariff	1
	Diabetes	1
	Cannabis Prescriptions	1
Pharmaceutical Count		13
IT	IT	2
	IT Service Management and Desktops ITAM	1
IT Count		3
Grand Total		254

DECISION NOTICES
Health Related (15 in total)
1 January – 31 March 2020

[NHS Redbridge Clinical Commissioning Group](#)

31 Mar 2020, Health

The complainant requested information on the funding of Green Lodge. The NHS Redbridge Clinical Commissioning Group (the CCG) confirmed that it did not hold any information. The complainant considered that information must be held. The Commissioner's decision is that, on the balance of probabilities, it is likely that the CCG does not hold any further information within the scope of the request. The Commissioner does not require the CCG to take any steps.

FOI 1: Complaint not upheld

[Decision notice FS50810398](#)

[Medicines and Healthcare Products Regulatory Agency](#)

13 Mar 2020, Health

The complainant has requested information associated with a Commission on Human Medicines' Expert Working Group report on Hormone Pregnancy Tests. The Medicines and Healthcare Products Regulatory Agency (MHRA) released some information and withheld the remainder under sections 36(2)(b) and 36(2)(c) of the FOIA (prejudice to effective conduct of public affairs) and section 40(2) (personal data). Its position is that the public interest favours maintaining the section 36 exemptions. The complainant disputes MHRA's reliance on section 36 to withhold some of the information she has requested. The Commissioner's decision is as follows: The disputed information engages the exemptions under section 36(2)(b) but not that under section 36(2)(c). The public interest favours disclosing the withheld information. The Commissioner requires MHRA to take the following steps to ensure compliance with the legislation. Release the information being withheld under section 36(2)(b), having first redacted all the personal data from it. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 36: Complaint upheld

[Decision notice FS50901560](#)

[NHS England](#)

10 Mar 2020, Health

The complainant has requested information on 19 items that presented opportunities for learning, which had been referred to in a meeting. NHS England (NHSE) relied on section 21 of the FOIA to withhold the information as it said it was already accessible to the complainant in a report that it had provided to them previously. The complainant disputed NHSE's reliance on section 21 but considers that NHSE does hold the information they have requested elsewhere. The Commissioner's decision is as follows: NHSE incorrectly applied the exemption under section 21(1) of the FOIA to the requested information. This is because, on the balance of probabilities, NHSE does not hold the requested information – in the report or elsewhere. NHSE breached section 1(1)(a) of the FOIA as it indicated it holds the requested information when, on the balance of probabilities, it does not. The Commissioner does not require NHSE to take any remedial steps.

FOI 21: Complaint upheld FOI 1: Complaint upheld

[Decision notice FS50871523](#)

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

2 Mar 2020, Health

The complainant made a freedom of information request about D-Hive and the cancellation of Derby Sound. The University Hospitals of Derby and Burton NHS Foundation Trust (the Trust) refused the request under the section 43(2) (commercial interests) exemption. The Commissioner's decision is that the Trust has not successfully applied Section 43(2) of the FOIA. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: disclose the withheld information. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 43: Complaint upheld

[Decision notice FS50870072](#)

[NHS Resolution](#)

28 Feb 2020, Health

The complainant has requested information on the volume of cases submitted to NHS Resolution's Practitioner Performance Advice Service in connection to the Royal Berkshire Hospital NHS Foundation Trust. NHS Resolution (NHSR) says it does not hold information falling within the scope of two parts of the request. It has released some relevant information and is withholding information that falls within one part of the request under section 36(2)(b)(i) and section 36(2)(c) (prejudice to effective conduct of public affairs). It considers the public interest favours maintaining these exemptions. NHSR considers that this information also engages the exemption under section 40(2) of the FOIA (third person personal data). The complainant disputes that the information is exempt from disclosure. The Commissioner's decision is as follows: The information requested in part 1 of the complainant's request is exempt from disclosure under section 36(2)(b)(i) and section 36(2)(c) of the FOIA and the public interest favours maintaining these exemptions. The information is also exempt information under section 40(2). NHSR breached section 10(1) and section 17(1) of the FOIA as it did not communicate the relevant information it holds or issue a refusal notice in respect of other relevant information within 20 working days. The Commissioner does not require NHSR to take any remedial steps.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 40: Complaint not upheld FOI 36: Complaint not upheld

[Decision notice FS50873968](#)

[General Medical Council](#)

20 Feb 2020, Health

The complainant has requested the qualifications of a specific individual. The General Medical Council (the GMC) has refused to confirm or deny it holds this information, under section 40(5B)(a)(i) of the FOIA (personal data) as to do so would disclose two individuals' personal data. The Commissioner's decision is as follows: The GMC can rely on section 40(5B)(a)(i) of the FOIA to refuse to confirm or deny it holds the requested information as to do so would contravene data protection legislation. Confirmation or denial would release the personal data of one of the two individuals above. The Commissioner does not require the GMC to take any remedial steps.

FOI 40: Complaint not upheld

[Decision notice FS50838516](#)

[Harrogate Healthcare Facilities Management Ltd](#)

18 Feb 2020, Health

The complainant requested information about a publication scheme. The Commissioner's decision is that Harrogate Healthcare Facilities Management Ltd failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires HHFM to take the following steps to ensure compliance with the legislation: issue a substantive response, under the FOIA, to the request.

FOI 10: Complaint upheld

[Decision notice FS50902137](#)

[London North West University Healthcare NHS Trust](#)

12 Feb 2020, Health

The complainant requested information from London North West University Healthcare NHS Trust ("the Trust") relating to issues arising from meetings about Cancer Services. The Trust provided some information to the complainant, but stated that the remainder of the requested information was not held. The Commissioner's decision is that the Trust does not hold the remainder of the requested information. However, it failed to comply with the requirements of section 10(1) of the FOIA since, as detailed in this notice, it did not provide a response to the complainant within 20 working days of receiving his requests of 28 July 2018 and 4 January 2019, respectively. The Commissioner does not require the Trust to take any steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice FS50789145](#)

[Weston Area Health NHS Trust](#)

4 Feb 2020, Health

The complainant has requested Weston Area Health NHS Trust (the trust) to disclose information relating to doctors subjected to disciplinary action in the last 5 years. The trust disclosed the requested information to the complainant but refused to disclose the exact allegations for each case under section 40 of the FOIA. The complainant did not dispute the application of section 40 of the FOIA but disagreed with the information disclosed and felt further recorded information is held or should be provided. The Commissioner is satisfied that the trust has now provided all the recorded information it holds falling within the scope of the complainant's requests. She therefore does not require any further action to be taken. The Commissioner has however found the trust in breach of sections 1(1)(a) and (b) and section 10 of the FOIA.

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

[Decision notice FS50869146](#)

[NHS England](#)

29 Jan 2020, Health

The complainant has requested NHS England to disclose all the information it holds relating to the decision to exclude the eMBED Health Consortium and Optum from the Population Health Management IG Support Tool (PHMIGST) work programme. NHS England disclosed the requested information but redacted the personal data of several of its employees and external individuals in accordance with section 40(2) of the FOIA. The Commissioner's decision is that NHS England is entitled to rely on section 40(2) of the FOIA for some of the withheld information. She has however concluded that section 40(2) is not engaged for the remainder. The Commissioner has also concluded that NHS England breached section 10 of the FOIA in this case. She therefore requires NHS England to disclose the withheld information which is not exempt by virtue of section 40(2).

FOI 10: Complaint upheld FOI 40(2): Complaint partly upheld

[Decision notice FS50818400](#)

[East of England Ambulance Service NHS Trust](#)

27 Jan 2020, Health

The complainant requested information concerning “contact point locations”, ranked according to a demand analysis. The Commissioner’s decision is that the East of England Ambulance Service NHS Trust (the Trust) failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50899988](#)

[NHS Nene Clinical Commissioning Group](#)

20 Jan 2020, Health

The complainant has requested particular correspondence between a named individual and other parties. NHS Nene Clinical Commissioning Group (‘the CCG’) has confirmed it holds some of the requested information and that this is exempt information under section 36(2)(c) of the FOIA (prejudice to the effective conduct of public affairs), with the public interest favouring maintaining the exemption. The complainant is not satisfied with the CCG’s reliance on section 36(2)(c) with regard to the relevant information it holds. The Commissioner’s decision is as follows: At the time of the request, the CCG was correct to withhold the disputed information under section 36(2)(c) of the FOIA, and the public interest favoured maintaining this exemption. The CCG breached section 17(1) as it did not issue the complainant with a refusal notice within 20 working days of receiving his request. The Commissioner does not require the CCG to take any remedial steps.

FOI 17: Complaint upheld FOI 36: Complaint not upheld

[Decision notice FS50867800](#)

[Chesterfield Royal Hospital NHS Foundation Trust](#)

17 Jan 2020, Health

The complainant has requested information from Chesterfield Royal Hospital NHS Foundation Trust (‘the Trust’), about the criteria to receive bypass surgery for lower limb revascularisation and the Trust’s roles and responsibilities within the network. The Commissioner’s decision is that on the balance of probabilities, the Trust has provided all the information it holds in relation to the scope of the requests. However, the Commissioner found a procedural breach of section 10(1) of the FOIA (time for compliance). The Commissioner does not require the Trust to take any further steps as a result of this notice.

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

[Decision notice FS50847755](#)

[North West Boroughs Healthcare NHS Trust](#)

17 Jan 2020, Health

The complainant has requested information concerning the harm caused to individuals’ mental health by racism and the perception of racism. North West Boroughs Healthcare NHS Foundation Trust (‘the Trust’) considers it has addressed the request as far as it understands it and has released all the relevant information it holds. The Trust acknowledged that it had breached section 10 of the FOIA (time for compliance) but considered it had complied with its obligation under section 1 (general right of access). The complainant disagrees. The Commissioner’s decision is as follows: The Trust’s final interpretation of the request is reasonable interpretation. The Trust breached section 1(1)(a) of the FOIA as, in its final response and internal review, it did not clearly confirm to the complainant that it does not hold the specific information he requested on 20 October 2018. The Commissioner is satisfied, on the balance of probabilities, that the Trust does not hold the information specifically requested. The Trust’s response dated 29 January 2019

to the request of 20 October 2018 breached section 10(1) as it was provided outside the 20 working day limit and the Trust had not complied with section 1(1). The Trust complied with the time limit under section 17(5) regarding its refusal of the request when it was originally submitted on 18 September 2018. The Commissioner does not require the Trust to take any remedial steps .

FOI 17: Complaint not upheld FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice FS50849398](#)

[NHS England](#)

8 Jan 2020, Health

The complainant has requested information from NHS England in the form of slide packs relating to a speech given in 2015 by Jeremy Hunt about proposals for an NHS seven day service. NHS England refused to provide the information explaining that it would be withheld under section 36 in line with extant Appeals concerning the slide packs, later stating that it did not hold the information. The Commissioner's decision is that NHS England has failed to demonstrate that it does not hold the requested information and has therefore failed to comply with section 1 of the FOIA. Additionally, NHS England did not engage sufficiently with the complainant to establish what he was requesting before it stated that the information was not held. Therefore the Commissioner finds that NHS England breached its section 16 duty to provide advice and assistance. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Issue a fresh response to the complainant, which does not rely on the information not being held.

FOI 1: Complaint upheld FOI 16: Complaint upheld

[Decision notice FS50843752](#)