

# FREEDOM OF INFORMATION POLICY

The following policy sets out a possible approach to the Freedom of Information (FOI) Act 2000 by a practice.

## Introduction

The Freedom of Information (FOI) Act was passed in 2000 and replaces the Open Government Code of Practice that has been in place since 1994. The Act gives the public a general right of access to all types of recorded information held by public authorities. The Act came into full effect on the 1<sup>st</sup> January 2005.

The Act places a statutory obligation on all public bodies to publish details of *all* recorded information that they hold and to allow, with a few exceptions, the general public to have access to this information on request.

The practice recognises the importance of the Act and it will ensure that appropriate systems are put in place to publicise what recorded information is kept by the practice and how this information can be accessed on request by the general public.

## 1.0 The FOI Act

The main features of the Act are:

- a general right of access to information held by public authorities
- exemptions from the duty to provide information
- a requirement on public authorities to exercise discretion; they may have to disclose information even when exempt under the Act (the 'public interest test')
- arrangements in respect of costs and fees
- a duty on public authorities to adopt publication schemes
- arrangements for enforcement and appeal
- a duty to provide advice and assistance to people who wish to make, or have made requests for information
- Codes of Practice

The UK legislation is wholly retrospective and applies to all information held by public authorities regardless of its date.

The Act is overseen by the Information Commissioner who will have the power to issue enforcement notices and, if needs be, initiate court proceedings to ensure compliance.

The practice recognises its corporate responsibility under the Act to provide the general right of access to information held. The overall responsibility for this policy is with the Senior Partner

## 2.0 Employee Responsibilities

All employees will, through appropriate training and responsible management:

- observe all forms of guidance, codes of practice and procedures about the storage, closure, retention and disposal of documents and records
- be aware that ultimately the general public may have access to any piece of information held within the practice and must pay due regard to how they record information as part of their normal duties
- on receipt of an information request immediately notify the IG/FOI lead
- provide information promptly when requested from the IG/FOI lead
- understand that breaches of this Policy may result in disciplinary action, including dismissal

## 3.0 Organisation Responsibilities

The practice will:

- Comply with the FOI Act and sees it as an opportunity to enhance public trust and confidence in the practice
- Ensure that there is always one person with overall responsibility for FOI. Currently this is the senior partner
- Maintain a comprehensive 'Publication Scheme' that provides information which is readily accessible without the need for a formal FOI Act request.
- Seek to satisfy all FOI Act requests promptly and within 20 working days. However, if necessary we will extend this timescale to give full consideration to a public interest test. If we do not expect to meet the deadline, we will inform the requester as soon as possible of the reasons for the delay and when we expect to have made a decision
- Continue to protect the personal data entrusted to us, by disclosing it only in accordance with the Data Protection Act 1998
- Provide advice and assistance to requesters to facilitate their use of FOI Act. We will publish our procedures and assist requesters to clarify their requests so that they can obtain the information that they require.
- Work with the Clinical Commissioning Group, NHS England, the local Area Team and other bodies with whom we work to ensure that we can meet our FOI Act obligations, including the disclosure of any information that they hold on our behalf.
- Apply the exemptions provided in the FOI Act and, where qualified exemptions exist, the practice will disclose the information unless the balance of public interest lies in withholding it.

- Consult with third parties before disclosing information that could affect their rights and interests. However, according to the FOI Act, the practice must take the final decision on disclosure
- Charge for information requests in line with the FOI Act fees regulations or other applicable regulations, including the Data Protection Act 1998
- Record all FOI Act requests and our responses and will monitor our performance in handling requests and complaints
- Ensure that all staff are aware of their obligations under FOI Act and will include FOI Act education in the induction of all new staff

## References

[www.firstpracticemanagement.co.uk/knowledge-base/general-administration/freedom-of-information-act/](http://www.firstpracticemanagement.co.uk/knowledge-base/general-administration/freedom-of-information-act/)

[www.legislation.gov.uk/ukpga/2000/36/contents](http://www.legislation.gov.uk/ukpga/2000/36/contents)

More information regarding the Publication Scheme [ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf](http://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf)

The ICO model Publication Scheme Template

The ICO model Publication Scheme Template for General Practitioners is reproduced below for information >>

### **Guide to Information provided by GPs under the model publication scheme**

Under the Freedom of Information Act 2000 all public authorities are required to have and operate a publication scheme approved by the Information Commissioner. Doctors providing medical services under most contracts with the NHS in England, Wales and Northern Ireland are public authorities in respect of information relating to those services.

It is the intention of the Information Commissioner that all public authorities should adopt and operate the one model scheme that has been approved. This is a very general scheme based on the principal that all public authorities need to recognize the public interest in the transparency of the services provided for and paid for by the general public. It is a commitment to make information easily available to the public.

**Note: The scheme is only for information held as a public authority and does not include any information that is not held, is held for other purposes or would be exempt from release.**

The scheme requires three documents to be considered:

- the model scheme itself;
- our guidance on adopting and operating the scheme; and,
- a guide provided by the public authority indicating what information will be provided, how it will be provided and whether any charge will be made for its provision.

To assist medical practitioners who are public authorities we have produced the outline of a guide for their use. They should consider expanding elements of it to provide greater explanation and additional information where this can be done. For example if there are specific plans for the provision of NHS services these could be detailed. It is not necessary to submit the guide completed by the practice for approval.

We recognize that it is unlikely that GPs are going to have registers available for public inspection and while this remains the case “None Held” can be entered in this section. Under policies and procedures we have listed the policies we would expect practices to have. Again if this is not the case, “Not held” can entered in the relevant part. Any additional policies should also be listed.

Fees should be requested only where this is done in accordance our guidance.

Continues below >>

## Information available from (*Insert name of person (or practice) providing medical services under contract to the NHS*) under the Freedom of Information Act model publication scheme

Information covered by this scheme is only about the primary, general or personal medical services we provide under contract to the National Health Service.

Information to be published	How the information can be obtained (eg hard copy, web)
<b>Class1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts)  This will be current information only	
Doctors in the practice	
Contact details for the practice (named contacts where possible with telephone number and email address (if used))	
Opening hours	
Other staffing details	
<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)  Current and previous financial year as a minimum	
Total cost to the CCG/LHB/HSSB of our contracted services.	
Audit of NHS income	
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)  Current and previous year as a minimum	
Plans for the development and provision of NHS services	
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)  Current and previous year as a minimum	
Records of decisions made in the practice affecting the provision of NHS services	
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)	

Current information only (mark “not held” against any policies not actually held)	
Policies and procedures about the employment of staff	
Internal instructions to staff and policies relating to the delivery of services	
Equality and diversity policy	
Health and safety policy	
Complaints procedures (including those covering requests for information and operating the publication scheme)	
Records management policies (records retention, destruction and archive)	
Data protection policies	
Policies and procedures for handling requests for information	
Patients’ charter	
<b>Class 6 – Lists and Registers</b>	
Currently maintained lists and registers only	
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public)	
Current information only	
The services provided under contract to the NHS	
Charges for any of these services	
Information leaflets	
Out of hours arrangements	