# FREEDOM OF INFORMATION POLICY

**William Hopwood Surgery**

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| **Prepared by** | William Hopwood Surgery |
| **Implemented by** | Vandana Menon |
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| **Version** | **Date** | **Amendments** |
| **1.0** | 01.05.2020 | This policy replaces the old freedom of information policy found at the practice. |
|  | 01.05.2021 | Amended |
|  | 01.07.2022 | Amended |
|  | 01.07.2023 | Reviewed |

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 1st 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 Catherine Wood, Practice Manager.

**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 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 person is Vandana Menon.
* 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 2018.
* 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 2018.
* 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](https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf)  ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf

[The ICO model Publication Scheme Template](http://ico.org.uk/for_organisations/freedom_of_information/definition_documents) (General Practitioners guidance can be found in the ‘HEALTH’ section)

**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.

We recognise 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.