

Freedom of Information Policy

Introduction

Policy statement

The purpose of this document is to ensure that staff and patients at Solent View Medical Practice are aware of the ways in which the organisation adheres to the Freedom of Information (Fol) Act 2000¹ (referred to as the Act herein). The Act enables the public to access information held by public authorities in two ways:²

- Public authorities are obliged to publish certain information about their activities
- Members of the public are entitled to request information from public authorities who, in turn, are required to provide the requested information within 20 working days, unless it is [exempted](#)

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.

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This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time.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.

Training and support

The organisation will provide guidance and support to help those to whom it applies to 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.

An Information Commissioner's Office Freedom of Information [training video](#) is available on YouTube.

Scope

Who it applies to

This document applies to all employees of the organisation and other individuals performing functions in relation to the organisation, such as locums, trainee clinicians and contractors.

Why and how it applies to them

Solent View Medical Practice 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.

¹ [The Freedom of Information Act 2000](#)

² [What is the Freedom of Information Act?](#)

The organisation 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 regarding the individual protected characteristics of those to whom it applies.

Definition of terms

Freedom of Information Act

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.³

Information Commissioner's Office

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

Policy

Obligations under the Act

In accordance with the Act, Solent View Medical Practice must:⁴

- Publish certain information proactively
- Respond to requests for information

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

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 to provide the 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
- 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.

³ [Freedom of Information Act 2000](#)

⁴ [What is the Freedom of Information Act?](#)

Information publication

The ICO expects this organisation to adopt its [model publication scheme](#) and commit to:⁵

- Proactively publishing or otherwise making available, as a matter of routine, information, including environmental information, that 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 that 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. The template for Solent View Medical Practice's publication scheme can be found at Annex A.

Classes of information

The publication scheme refers to seven classes or types of information:⁶

- 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

⁵ [ICO Model publication scheme](#)

⁶ [MDU Freedom of information](#)

- 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 organisation 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, records management (retention and destruction), data protection, the handling of requests for information and the patients’ charter
- Lists and registers – it is unlikely that any organisation will have any publicly available register or list and the ICO has advised that ‘none held’ can be entered here
- The services we offer – current NHS services provided and any charges, information leaflets and out-of-hours arrangements

The ICO expects Solent View Medical Practice to make the above information available unless:⁷

- 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
- It would be impractical or resource-intensive to prepare the material for routine release

Requests for information

To ensure the validity of FOI requests, staff at Solent View Medical Practice 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)

⁷ [ICO – Guide to information provided by GPs under the model publication scheme](#)

- 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.

Responding to an information request

Solent View Medical Practice 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, Solent View Medical Practice 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)

Solent View Medical Practice 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.

Refusing a request

At Solent View Medical Practice, requests may be refused for the following reasons:⁸

- 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

⁸ [ICO – When can we refuse a request for information](#)

Solent View Medical Practice is permitted to withhold information if an exemption applies. In all instances of refusal, the organisation will send the requester a written refusal notice. This notice must state either that Solent View Medical Practice has the information but is refusing to release it or the organisation 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.

Summary

Solent View Medical Practice 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 organisation is demonstrating that it is operating in an open and transparent manner and complying with the provisions of the Freedom of Information Act 2000.

Annex A – Organisation publication scheme⁹

Information available from Solent View Medical Practice who/ provide medical services under contract to the NHS under the Freedom of Information Act model publication scheme.

Class 1 Who we are and what we do		
Information to be published	How the information can be obtained	Cost
Organisational information, structures, locations and contacts	Website	Free
Doctors in the practice	Website	
Contact details for the organisation (named contacts with telephone numbers and email addresses)	Website	
Opening hours	Website	
Other staffing details	Website	
Meeting information – specifically with pharma companies and other medical suppliers	On request	£30
Class 2 What we spend and how we spend it		
Information to be published	How the information can be obtained	Cost
Financial information relating to projected and actual income, expenditure, procurement, contracts and financial audit. This should be the current and previous financial year's information	On request	TBA

⁹ Source: [ICO Guide to Information](#) provided by GPs under the model publication scheme

Details on NHS funding received by the practice		
Audit of NHS income	On request	TBA
Details of expenditure items over £10,000 – published at least annually but at a quarterly or six monthly interval where practical	On Request	TBA
List and value of contracts awarded by the practice. We would normally only expect the organisation to publish details of contracts that are of sufficient size to have gone through a formal tendering process	On Request	TBA
Staff allowances and expenses that can be incurred or claimed, with totals paid to senior staff members (for the purpose of this document, 'senior staff' are defined as partners or equivalent level) with references to categories	On Request	TBA
Pay policy	On Request	TBA
Declaration of GPs' NHS/HSC income The information made available as part of GPs' contractual obligation to publish their net income relating to NHS/HSC contracts, once this obligation is in force. A link may be provided to the information on a third-party website and/or a description of where this information is available	On Website	
Class 3 What our priorities are and how we are doing		
Information to be published	How the information can be obtained	Cost
Strategies and plans, performance indicators, audits, inspections and reviews Current and previous year as a minimum	On Request	TBA
Plans for the development and provision of NHS services	On Request	TBA
Performance data, including performance against targets	On Request	TBA
Inspection reports by regulators: the CQC, HIW, RQIA and HSCB and any other regulators	On Website	

Class 4 How we make decisions		
Information to be published	How the information can be obtained	Cost
Decision-making processes and records of decisions Current and previous year as a minimum	On Request	TBA
Records of decisions made in the organisation affecting the provision of NHS services	On Request	TBA
Class 4 Our policies and procedures		
Information to be published	How the information can be obtained	Cost
Current written protocols, policies and procedures for delivering our services and responsibilities. Mark 'not held' against any policies that are not available	On Request	TBA
Policies and procedures about customer service	On Request	TBA
Internal instructions to staff and policies relating to the delivery of services	On Request	TBA
Policies and procedures about the recruitment and employment of staff	On Request	TBA
Equality and diversity policy	On Request	TBA
Health and safety policy	On Request	TBA
Complaints procedures (including those covering requests for information and operating the publication scheme)	Website	
Records management policies (records retention, destruction and archive)	On Request	TBA
Data protection policies	On Request	TBA
Policies and procedures for handling requests for information	On Request	TBA
Class 6 Lists and registers		
Information to be published	How the information can be obtained	Cost
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		
Any publicly available register or list (if any are held, this should be publicised; in most circumstances	NA	

existing access provisions will suffice)		
Class 7 The services we offer		
Information to be published	How the information can be obtained	Cost
Information about the services we offer, including leaflets, guidance and newsletters produced for the public	Website	
The services provided under contract to the NHS	On request	TBA
Charges for any of these services	On Request	TBA
Information leaflets	On Request	TBA
Out-of-hours arrangements	On Request	TBA