

NHS FORTH VALLEY

Freedom of Information

POLICY

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Author / Contact	Sarah Hughes-Jones, Head of Information Governance
Escalation Manager	Sarah Hughes-Jones, Head of Information Governance
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Contributing Authors:	Sarah Hughes-Jones, Head of Information Governance
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1. Purpose / Policy statement

The purpose of this policy is to set out how NHS Forth Valley complies with its obligations under access to information legislation.

Freedom of information legislation refers to the:

- Freedom of Information (Scotland) Act 2002 (FOISA)
- Environmental Information (Scotland) Regulations 2004 (EIRs)

Freedom of information legislation gives individuals the right to request recorded information from public authorities such as NHS Forth Valley. This means that anyone can ask us for information and, subject to certain exemptions, we are obliged to provide it if we hold it.

NHS Forth Valley is committed to being open and transparent in the conduct of its operations. In accordance with access to information legislation we will:

- Process information requests promptly, ensuring that there are appropriate resources and procedures in place to prevent avoidable delays and enable statutory timescales to be met.
- Proactively publish information in compliance with the Model Publication Scheme and Guide to Information.
- Ensure that all colleagues are trained to be able to advise and assist people wishing to make an information request, recognise an information request once received, and know what to do with it.
- Release information when it is in the public interest to do so.
- Tell requesters when we withhold information under an exemption and explain the factors we have considered in our decision.
- Provide advice and assistance to requesters at all stages of the process in order to support them to make a successful information request.
- Proactively review and monitor performance to maintain standards and identify best practice and opportunities for learning.

2. Scope

This policy applies to all colleagues employed by NHS Forth Valley, including those whose contract is partially or wholly funded by another organisation (e.g. government department, charity, or commercial sponsor), individuals who are seconded to other organisations, trainees, and services which are delivered on behalf of NHS Forth Valley e.g. via Health and Social Care Partnerships.

Freedom of information legislation applies to all information held by, or on behalf of NHS Forth Valley, regardless of format. This means that any information created, received and maintained by colleagues within NHS Forth Valley in the course of their work could be requested under access to information legislation. This includes information held on personal devices if it relates to the business of NHS Forth Valley. It can also include information which is held by contractors delivering services for NHS Forth Valley.

3. Key messages

- All freedom of information requests received by NHS Forth Valley are managed by the Information Governance Unit (IGU). If you receive a freedom of information request, it must be forwarded to: fv.freedomofinformation@nhs.scot immediately.
- Anyone can make a freedom of information request. It is not necessary to quote Freedom of Information legislation in order for a request to fall under the legislation,. Colleagues should be alert to freedom of information requests contained in broader correspondence, e.g. service queries or complaints.
- Freedom of information requests must be responded to within 20 working days.
- All colleagues must be familiar with freedom of information legislation so they can recognise a freedom of information request when received, and provide advice and assistance to people trying to make a request.
- Any information held by NHS Forth Valley can be requested under freedom of information legislation and must be assessed to determine whether it can be released. It is an offence to alter, deface, block, erase, destroy or conceal information with the intent of preventing disclosure.
- Any information disclosed under freedom to information legislation is, in effect, released into the public domain i.e. any information disclosed under this legislation must be suitable to be disclosed to anyone who asks for it.
- Access to information legislation contain exemptions/exceptions which can be applied in certain circumstances. The IGU will advise on their use if there are concerns around disclosing information captured by a request.
- If a requester is unhappy with the response they receive to an information request, they can request an internal review and, thereafter, appeal to the Scottish Information Commissioner who regulates the application of freedom of information laws within Scotland. There are strict timescales associated with these processes.
- Support and advice on all matters relating to access to information legislation can be sought from the IGU: fv.freedomofinformation@nhs.scot.

4. Definitions

Appeal – is a process where a requester can refer a public authority’s handling of their request to the Office of the Scottish Information Commissioner (OSIC).

Business as Usual requests – is a term used to describe routine requests for information which services deal with as a matter of course e.g. confirmation of test results, appointment times, patient information leaflets etc.

Environmental information – is a specific type of information which may be requested under freedom of information legislation. Where a request asks for information about the environment itself (e.g. air, water, earth, and the habitats of animals and plants), other things that affect the environment (e.g. emissions, radiation, noise and pollution), or policies and plans on the environment (e.g. net zero), the request should be handled under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Freedom of Information (FOI) request – is a request for information which is received by NHS Forth Valley in a recordable format and requires to be handled in accordance with freedom of information legislation.

Internal Review – is a process where a public authority can re-consider how it has handled a freedom of information request. A requester has the right to request a review if they are unhappy with how a public authority has handled their request.

Personal data – is a specific type of information which may be requested under freedom of information legislation. Personal data is any information which identifies a living individual. Personal data can be disclosed under freedom of information legislation in certain circumstances but there is separate data protection legislation which governs the processing of personal data, therefore all disclosures need to consider the information rights of all involved.

Publication Scheme – is a duty placed on public authorities to publish certain types of information.

Office of the Scottish Information Commissioner (OSIC) – is the independent regulator of freedom of information legislation in Scotland.

5. Roles and responsibilities

All **colleagues** within NHS Forth Valley are responsible for:

- Understanding their obligations to advise and assist individuals who wish to request information. This includes being able to direct people to the information available on NHS Forth Valley’s website and/or the IGU.
- Recognising information requests which require response under access to information legislation, and ensuring these are forwarded to the IGU promptly.

- If contacted by the IGU to provide information in relation to a request for information, sourcing relevant information **promptly** and providing it all, in its entirety, to the IGU so it can be assessed for release. It is good practice to keep a record of searches undertaken to assist further enquiries associated with the request if needed.

All **Directors and Heads of Service** within NHS Forth Valley are responsible for:

- Ensuring their service manages information in a manner which supports the proactive publication of information and prompt processing of information requests. This means that services should understand the information it holds and where it is located so that requests can be assessed and processed consistently and easily.
- Ensuring their service provides accurate information to the IGU within 10 working days of being asked for it. This includes ensuring that the IGU are notified of appropriate contacts so requests can be appropriately directed, and ensuring that sufficient cover is in place to manage information requests during periods of reduced capacity or absence.
- Responding to escalation processes so that information is promptly provided to enable requests to be processed on time.
- Promoting a culture of transparency, efficiency, and accountability around the management of information requests within their service, ensuring that teams are trained and effectively supported to respond to information requests in accordance with this policy and local procedures.
- Monitoring service compliance with FOI handling KPIs to ensure issues are identified quickly and risks around non-compliance mitigated.

The **Information Governance team** is responsible for:

- Co-ordinating all requests for information received by NHS Forth Valley, the Falkirk Integration Joint Board, and the Clackmannanshire and Stirling Integration Joint Board. This includes ensuring information requests are logged, acknowledged, and processed in accordance with the statutory timescales.
- Assessing information requests received to ensure they are valid under the terms of the legislation, and are sufficiently clear to be successfully processed. Where requests are not valid, or require clarification, the IGU will provide advice and assistance to the requester to support them to submit a successful information request.
- Engaging with services to facilitate the prompt response to information requests, and escalating issues to Managers as appropriate.
- Reviewing information requested under access to information legislation and assessing whether disclosure would be likely to cause any harm and, if so, whether exemptions should be applied.

- Responding to requests in a manner which ensures NHS Forth Valley meets its obligations under access to information legislation. This includes ensuring that any exemptions are appropriately applied, and requesters are notified of their right to request an internal review and appeal to the Scottish Information Commissioner.
- Advising and assisting requesters to access information as required. This includes ensuring that requests are clear, and seeking clarification promptly if there is difficulty in understanding the information the requester wants. It also includes advising requesters around how to make requests so that they can be processed under the legislation.
- Responding to requests for an internal review in a manner which ensures NHS Forth Valley meets its obligations under access to information legislation. This includes ensuring that any exemptions are correctly applied, and the public interest has been appropriately balanced and evidenced.
- Maintaining NHS Forth Valley's publication scheme and ensuring that information is proactively published and remains up to date in accordance with the Guide of Information.
- Reporting NHS Forth Valley's performance under access to information legislation, as relevant, to the Senior Leadership Team (SLT), the Information Governance Group (IGG), Committees, and the Board.
- Monitoring and delivering training and guidance to colleagues to ensure that information requests are handled consistently.
- Providing quarterly statistics to the Office of the Scottish Information Commissioner (OSIC).
- Providing a single point of contact for enquiries from OSIC, and supporting the submission of evidence in relation to any requests which are appealed to OSIC for decision.

The **Information Governance Group** is responsible for:

- Monitoring NHS Forth Valley's performance with access to information legislation.
- Escalating emerging issues as appropriate, particularly if internal KPIs are not being met.

6. Processing requests

6.1 Receiving Requests

NHS Forth Valley publishes information about how to make an information request on its website: [NHS Forth Valley – Freedom of Information](#).

Information requests made under the Freedom of Information (Scotland) Act 2002 must be made in a recordable format, e.g. in writing. Information requests made under the Environmental Information (Scotland) Regulations 2004 can be made either verbally or in writing.

Where requests are received via voicemail, advice should be sought from the IGU to understand whether the information request is valid¹, and to ensure that appropriate advice and assistance is provided to the requester to enable them to submit a valid request.

6.1.1 Requests received via Social Media

NHS Forth Valley's Social Media sites must be routinely monitored to identify any FOI requests received via those platforms, and ensure that they are forwarded promptly to the IGU for processing.

6.1.2 Requests received within other correspondence

It is recognised that information requests will sometimes be contained within other correspondence received by NHS Forth Valley, e.g. in a complaint letter or broader service enquiry.

Colleagues are expected to be able to identify FOI requests wherever they are made, and to forward information requests to the IGU. Where an information request is contained in wider correspondence, the IGU will engage with the service to agree the best way to deal with the whole correspondence. Normally, FOIs will be handled separately and in parallel to any other relevant processes e.g. complaint handling.

6.1.3 Business as usual

It is recognised that not all information requests received by NHS Forth Valley necessarily require to be responded to under freedom of information legislation. Routine requests for information, which services have processes in place to deal with as a matter of course, e.g. confirmation of test results, appointment times, etc, do not need to be processed as an FOI request **unless** one or more of the following applies:

- The request refers to or quotes freedom of information legislation.
- The request is in a recordable format but cannot be responded to within 20 working days.
- The request asks for information which the service is not able to provide.
- The request asks for information which the service is not comfortable to share in the public domain.

¹ See guidance in Section 60 Code of Practice

- The requester has expressed dis-satisfaction with being unable to obtain the requested information.

In these cases, advice should be sought from the IGU: fv.freedomofinformation@nhs.scot.

6.3 Logging, Assessing, and Acknowledging requests

All information requests received by the IGU will be logged on the case management system.

Prior to processing, all requests will be assessed to ensure they are a valid FOI request i.e. they meet the terms of the legislation in providing the full name of the applicant, include appropriate contact details, and the information requested is sufficiently clear. Where a request is assessed as invalid, the requester will be advised around how to make a valid FOI request.

All information requests will be acknowledged. The IGU will provide the requester with the reference number of the request and advise them around when they can expect to receive a response.

6.4 Transferring a request

If a request is for environmental information which is not held by NHS Forth Valley, but is known to be held by another public authority, EIR legislation permits authorities to transfer requests to another authority if agreed by the requester. Should this occur, the IGU will inform the requester promptly that the requested information is not held within NHS Forth Valley but will be held by another authority and can offer to transfer the request. No requests will be transferred without agreement of the requester.

Requests relating to any other information, which is not related to the environment cannot be transferred and will be processed directly by the IGU in accordance with freedom of information legislation.

6.5 Locating information and providing it to the IGU

Services are responsible for ensuring that they can locate any information which is held by their area should it be requested under freedom of information legislation. Services should have clear processes and procedures in place around where information is stored so that it can be located at any time by those who are authorised to do so.

Information should not be routinely stored in areas which only one person can access, e.g. OneDrive, as this will delay NHS Forth Valley's ability to respond to a request should the individual be absent from work or otherwise unavailable.

Where services assess that collating the requested information is likely to take more than 40 hours complete, or would otherwise cost more than £600 to process, they should

consult with the IGU to assess whether processing the request will be exempt on cost grounds. Where this is found to be the case, the service and IGU should consider whether there are alternative mechanisms to assist the requester so that relevant advice and assistance can be provided in accordance with section 15 of FOISA.

All relevant information must be provided to the IGU in unredacted form. It is good practice to document the searches carried out in relation to a request to assist any future enquiries. It is an offence to alter, deface, block, erase, destroy or conceal information with the intent of preventing disclosure. Should the service have any concerns regarding information being disclosed into the public domain, they should highlight these to the IGU promptly so that the public interest can be fully considered.

Services should supply information to the IGU no later than 10 working days of receiving a request for it. If necessary, the IGU will escalate requests to senior managers (Heads of Service and/or Directors) in accordance with the escalation processes noted below.

The IGU will assume that the information provided by a service is suitable for disclosure without further consultation with Service Managers unless the opposite is stated.

6.6 KPIs and escalation routes for request handling

Freedom of information legislation requires all information requests to be responded to **promptly** and **no later than 20** working days.

6.6.1 KPIs

To ensure that NHS Forth Valley is able to meet its statutory obligation, the following internal KPIs should be adhered to:

- The IGU will log and acknowledge information requests within 2 working days of the request being received.
- The IGU will allocate information requests to relevant services to source information within 2 working days of the request being received.
- Services will triage requests for information received from the IGU within 2 working days of being allocated a request and confirm to the IGU whether they hold information relevant to a request and/or require any clarification from the requester.
- Services will provide actual information captured by a request **no later than 10** working days after receiving the IGU's request.
- The IGU will collate all information received in relation to a request within 2 working days of all information being received from services. The IGU will assess whether further consultation or approval is required prior to disclosure, and will forward draft responses to Senior Managers as required.

- Upon receiving a consultation or approval request from the IGU, Senior Managers will respond within 1 working day.

6.6.2 Escalation routes

To ensure that KPIs are adhered to and any risks or issues are routinely identified by services, the following escalation routes will be applied.

- The IGU will notify the relevant FOI contact, copying in the Head of Service, if they do not receive confirmation that a request has been triaged within 3 working days of it being sent to the service.
- The IGU will remind the relevant FOI contact, copying in the Head of Service, if information is not provided to them within 10 working days of a request being sent to the service.
- The IGU will notify the relevant Director, copying in the FOI Contact and Head of Service, if information is not provided to them within 15 working days of a request being sent to a service.

6.7 Assessing information and consideration of exemptions

The IGU will review all information captured by an FOI request prior to disclosure. They will assess whether:

- All parts of the information request have been answered.
- Information is presented in a manner which clearly answers the request, and / or whether further advice or assistance to the requester is necessary.
- Any exemptions which may apply in the circumstances.
- The information / response is sensitive and requires further consultation with Senior Managers or Subject Matter Experts.

The IGU will seek further information or consultation with relevant services as required.

NHS Forth Valley recognises that freedom of information legislation places a presumption in favour of disclosure, and also that any information disclosed under this legislation must be suitable to be disclosed to anyone who asks for it. Therefore all information responses will be handled on a 'applicant blind' principle i.e. the identity of the person requesting the information will have no bearing on whether information is disclosed.

However, where it is identified that an exemption or exception may apply to all or part of an information request, the IGU will, in consultation with relevant subject matter experts, assess the applicability of relevant exemptions, and conduct the public interest test when required.

Where there is disagreement around the application of an exemption or exception, the Freedom of Information Manager or Head of Information Governance are able to provide expert advice to inform decision-making if necessary.

6.8 Consultation with third parties

Sometimes it is necessary to consult third parties in order to inform NHS Forth Valley's decision on whether to disclose information requested under FOI or apply an exemption. Services should notify the IGU when they believe consultation with others is required. The IGU will co-ordinate consultation with relevant parties in conjunction with service contacts.

In seeking external views, the following approach will be taken:

- Relevant parties will be invited to advise NHS Forth Valley of their view around potential harm which may result from disclosure of the requested information, however the final decision will sit with NHS Forth Valley.
- Consultation cannot delay the overall response to request. Where views are sought, there will normally be a short timescale for reply and, in the absence of any response, NHS Forth Valley must make a decision based on their own assessment of the information.

6.9 Responding to a request

The IGU will draft all responses to FOI requests to ensure that requesters receive a response which is clear, answers all of their questions, and meets the requirements of the legislation.

Where a request cannot be processed, information is not available, or information is being withheld, the response will clearly state the relevant section(s) of freedom of information legislation, and explain the factors that have been considered in the circumstances.

All responses will provide an appeal statement advising requesters of their right to request a review and their right to appeal to OSIC.

6.10 Communications with the requester

6.10.1 Advice and Assistance

In all engagements with requesters, the IGU will endeavour to advise and assist requesters in order to support them in effectively exercising their information rights.

6.10.2 Clarification

Where an FOI request is unclear and/or there are questions around interpretation which prevents it from being processed, the IGU will seek clarification from the requester promptly.

Where a service identifies that clarification is needed, they should advise the IGU immediately.

To prevent unnecessary delays in providing access to information, clarification will be sought as early as possible following recognition that further information is needed from the requester.. In accordance with the legislation, once clarification is received from the requester, the statutory timescale for response is reset.

It is recognised that the majority of requesters will respond to requests for clarification quickly. However, where requesters do not respond, or do not provide sufficient information to enable the FOI request to be processed, the IGU will remind the requester after 20 working days of seeking clarification from them. If clarification is not received after 40 working days, the requester will be advised that the information request is closed. This response will provide details of NHS Forth Valley's review procedure and the requester's right to appeal to the Scottish Information Commissioner.

6.10.3 Providing updates

Where it is not possible to respond to a request within the statutory timescale for response, the IGU will contact the requester to advise them of the delay, apologise, and provide an estimate of the timescale for responding to the request. This update will provide details of NHS Forth Valley's review procedure and the requester's right to appeal to the Scottish Information Commissioner.

6.10.4 Issuing a fees notice

In limited circumstances, it may be appropriate to issue a fees notice in relation to processing an information request received under the Environmental Information (Scotland) Regulations 2004. The IGU will be able to advise services around activities which can and cannot be charged for, and support services in calculating applicable costs. Where it is decided to issue a fees notice, the IGU will notify the requester as soon as possible and provide details of how the cost has been calculated, how the fee can be paid, and the timescale for doing so.

If requesters do not respond, or do not pay the fee, the IGU will remind the requester after 20 working days of issuing the fees notice. If clarification is not received after 40 working days, the requester will be advised that the information request is closed. This response will provide details of NHS Forth Valley's review procedure and the requester's right to appeal to the Scottish Information Commissioner.

6.11 Refusing a request on grounds of cost

When the cost of processing a request exceeds £600, it can be refused. Where costs are associated with staff time, a maximum charge of £15 per hour must be applied. This means that requests will only be exempt on cost grounds if processing the request is likely to take more than 40 hours of work.

Services must notify the IGU promptly if they believe the cost exemption will apply. The IGU will be able to advise services around activities which can and cannot be charged for, and support services in calculating applicable costs.

Where it is decided to refuse a request on cost grounds, the IGU will notify the requester of the costs associated with processing the request and provide advice around potential ways they may be able to reduce the size and scope of their request to enable it to be processed within cost. This response will provide details of NHS Forth Valley's review procedure and the requester's right to appeal to the Scottish Information Commissioner.

6.12 Considerations around disclosure of personal data identifying employees

NHS Forth Valley recognises that there is an inherent public interest in being able to hold senior leaders in public authorities to account, and also that certain information about senior leaders, such as who they are and what they do, will often already be publicly accessible. Consequently, we will normally disclose names of colleagues who are in senior management/leadership roles e.g. Heads of Service, Directors, Chief Officers, Consultants etc, when this is requested.

However, it is also recognised that colleagues in less senior roles will have a different public profile, and any disclosure of personal data under freedom of information legislation must comply with data protection legislation. Consequently, when personal data relating to employees is captured by requests, the following factors will be considered in assessing whether the information should be released or an exemption applied:

- The seniority of the individual.
- Whether the requested information is already in the public domain.
- The expectations of the individual who is identified by the information.
- Any harm which is likely to occur as a result of disclosure.
- Any wishes expressed by the individual who is identified by the information.

Identifying information relating to less senior colleagues and/or information which colleagues would reasonably expect their employer to keep confidential will often attract the exemption contained within section 38 (1) (b) of the Freedom of Information (Scotland) Act 2002 and will not be disclosed when the tests set out by the Scottish Information Commissioner for applying the exemption are appropriately met.

Note: individuals cannot access their own personal data under freedom of information legislation. This is because a person's right to access information about themselves is governed by Article 15 of UK-GDPR (Subject Access).

6.13 Considerations around disclosure of statistics

NHS Forth Valley recognises that it will often be possible to disclose statistical data under freedom of information legislation without creating harm. However, there will sometimes be occasions when the disclosure of statistics has the possibility of identifying individuals.

Where there is a possibility that disclosure of information will result in individuals being identified, it is likely that the exemption contained within section 38 (1) (b) of the Freedom of Information (Scotland) Act 2002 will be engaged. The IGU will assess the applicability of the exemption on a case-by-case basis, taking into account the context and public interest associated with the request, applicable case law and regulator guidance.

6.14 Considerations around disclosure of commercially sensitive information (contracts and procurement processes)

NHS Forth Valley recognises that there is a strong public interest in understanding how public money is spent, and also in enabling NHS Forth Valley to achieve competitive value within its contract negotiations. Consequently, it will sometimes be necessary to consider the commercial interests of all involved when contract or procurement information is captured by an information request.

It is recognised that the commercial sensitivity of information will change over time, with greater commercial impact likely to apply to current contractual terms than historic ones. It is also recognised that there are various routes through which financial and procurement related data is already published or made proactively available to certain stakeholders, or the public as whole.

Services must notify the IGU promptly if they believe that information is commercially sensitive. The IGU will be able to advise around the applicability of an exemption taking into account the specific circumstances of the request. All requests will be considered on a case-by-case basis and any exemptions will be limited to specific information which is identified as being commercially sensitive

6.15 Disclosure of information which may attract media or political comment

Information disclosed under freedom of information legislation will sometimes attract media or political comment.

Where it is identified that a disclosure has the potential to attract follow-up enquiries to the Communications department, a copy of the draft response will be shared with the Communications team in advance. This is to enable them to better prepare and respond to any enquiries received.

6.16 Information otherwise accessible to the applicant

Where a request asks for information which is already accessible to the applicant via an alternative means, e.g. information published on NHS Forth Valley's website or statistics published by Public Health Scotland or Scottish Government, it is likely that the exemption contained within section 25 of the Freedom of Information (Scotland) Act 2002 will be engaged.

The IGU will assess the applicability of the exemption on a case-by-case basis, ensuring that the alternative route to the information fully meets the requirements of the request, and that the requester is able to reasonably access the information in the circumstances.

When responding to the request, the IGU will advise how the requester can access the information they require via the alternative route.

6.17 Responses which contain information subject to copyright

Occasionally, information captured by an FOI request might be subject to copyright. There is a waiver for the copyright provisions in the Copyright Designs and Patents Act 1988. This allows NHS Forth Valley to disclose information which contains third party copyright in response to a request, however the waiver does not apply to the individual receiving the information.

Services should notify the IGU if they believe that information captured by a request is subject to third party copyright rules so that appropriate advice and assistance can be given to the requester.

7. Processing requests for Internal review

The purpose of an Internal Review is to consider whether NHS Forth Valley has fulfilled its obligations under freedom of information legislation. In requesting a review, the requester must identify why they are unhappy with the handling of their request. This can be because their request has not been responded to on time, or because they are unhappy with the response they received.

All information requests for internal review received by the IGU will be logged on the case management system and acknowledged to the requester. The requester will be advised of the date by which they can expect to receive a response (20 working days).

Internal reviews will normally be considered and processed by a colleague within the IGU who did not deal directly with the original request, e.g. the Freedom of Information Manager or Head of Information Governance.

The reviewing officer will consider the original request for information, all correspondence relating to the request, and the points raised by the requester. They will engage with relevant services and subject matter experts as required to investigate and assess the

review. Where a review request disputes the information which has been provided, services will be required to complete a record of searches carried out to respond to the request if they have not already done so.

The reviewing officer will respond to the review request within 20 working days with the following information:

- an explanation of their assessment e.g. the factors they have considered.
- their decision on the review i.e whether their decision is to uphold the original response, to substitute a new response (in part or in full), or whether they are answering the request for the first time.
- Any further information or explanation as relevant to advise and assist the requester.
- The requester's right to appeal to OSIC.

Feedback and learning from Internal Reviews will be shared within the IGU and with services as appropriate.

8. Applications for Appeal

Requests that have been considered at Internal Review can, thereafter, be appealed to OSIC if the requester remains dissatisfied with the handling of their request.

On receipt of an appeal application relating to a request handled by NHS Forth Valley, OSIC will contact the IGU for relevant information.

All appeals will be recorded on the case management system. The IGU will co-ordinate all correspondence and submissions to OSIC, engaging with relevant services and subject matter experts as required.

9. Publication Scheme and Proactive Publication

Section 23 of the Freedom of Information (Scotland) Act 2002 requires NHS Forth Valley to adopt and maintain a publication scheme which is approved by the Scottish Information Commissioner. NHS Forth Valley has adopted OSIC's Model Publication Scheme which requires certain information to be routinely published. As part of this duty, NHS Forth Valley publishes a Guide to Information which sets out the classes of information which are routinely available and where it can be accessed.

The IGU is responsible for routinely reviewing the Guide to Information to ensure that it remains up to date.

All services should seek to identify when there are opportunities to proactively publish information in the public interest, and engage with the IGU to update the Guide to Information as necessary.

10. Monitoring and Reporting

NHS Forth Valley routinely monitors its compliance with responding to FOI requests on time. SLT have set a performance target of responding to at least 90% of information requests on time.

Heads of Service and Directors are able to routinely monitor compliance with KPIs through the Pentana performance system. FOI compliance also forms part of Directorate Performance Reviews. Where Service or Directorate performance drops below 85%, the following risk should be recorded on the relevant risk register:

“If we do not have appropriate measures in place to support and manage the FOI process, there is a risk that we are unable to respond to FOI requests in the mandated timescales, resulting in non-compliance with FOI legislation.”

In addition, an FOI compliance report is presented to the Senior Leadership Team (SLT). This outlines the organisation’s compliance with FOI timescales, any outstanding requests, relevant reflections/learning including number and nature of exemptions used and outcomes of internal reviews, any emerging risks and issues. Should areas of risk and concern be identified, the Chief Executive will address these with relevant Directors.

The following information will be reported to, and monitored by, the Information Governance Group (IGG) on a quarterly basis.

- Number of requests received during reporting period.
- Number of requests closed during reporting period.
- Number (and percentage) of requests responded to on time.
- Number (and percentage) of requests responded to late.
- Number and nature of exemptions used.
- Number of requests for internal review received during the reporting period.
- Number (and percentage) of requests for internal review responded to on time.
- Number (and percentage) of requests for internal review responded to late.
- Learning identified from internal reviews and/or appeal cases

The IGG will monitor NHS Forth Valley’s performance with agreed performance indicators. Should areas of risk and concern be identified, the Chair will escalate to the relevant Director, SLT, or Committee as required.

11. Records Management

NHS Forth Valley has a separate Records Management Policy with supporting systems and procedures to ensure compliance with the Public Records (Scotland) Act 2011 and the Scottish Ministers Code of Practice under Section 61 of the Freedom of Information (Scotland) Act 2002.

12. Charging for information

NHS Forth Valley may charge an appropriate fee for dealing with a request for information in accordance with the charges set out within the Guide to Information.

13. Training and Communications

There is an e-learning module relating to Freedom of Information available within TURAS. All colleagues are expected to complete this annually as part of their mandatory training. In addition, the IGU produce a routine communication, FOI Matters, which is shared with key contacts and published on the Intranet. This provides general advice, guidance and learning from recent requests in order to share best practice.

The IGU can also deliver specific training to teams on all aspects of freedom of information, and related information governance themes, as required.

14. Support and advice

For advice on any aspect of this policy and procedure, contact the Information Governance Unit: fv.freedomofinformation@nhs.scot.

Alternative Formats

NHS Forth Valley is happy to consider requests for publications in other language or formats such as large print.

To request this document be made available in another language, please contact 01324 590886.

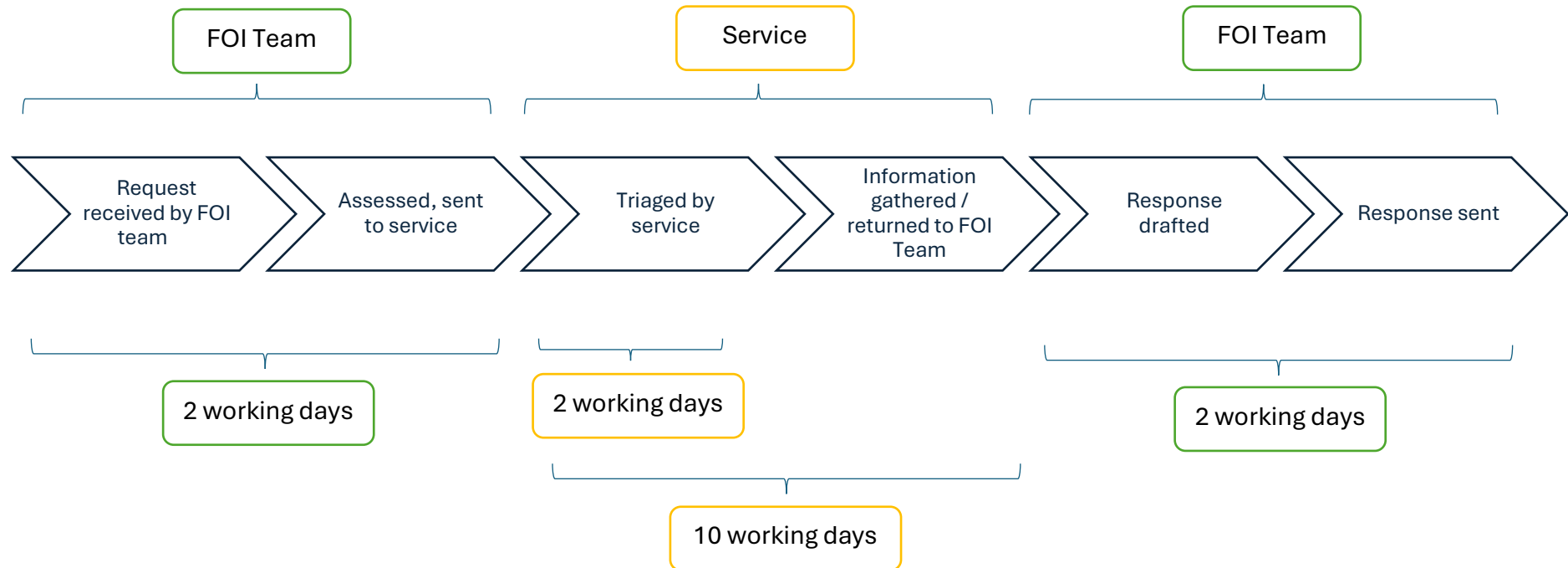
To request this document be made available in another format, please contact:

Phone: 01324 590886

Text: 07990 690605

Email: FV.interpretation@nhs.scot

Standard FOI request pathway



Escalation Points

- The IGU will notify the relevant FOI contact, copying in the Head of Service, if they do not receive confirmation that a request has been triaged within 3 working days of it being sent to the service.
- The IGU will remind the relevant FOI contact, copying in the Head of Service, if information is not provided to them within 10 working days of a request being sent to the service.
- The IGU will notify the relevant Director, copying in the FOI Contact and Head of Service, if information is not provided to them within 15 working days of a request being sent to a service.