



## Freedom of Information Policy

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## Summary

This Policy is written to give NHS Surrey Downs Clinical Commissioning Group (CCG) a clear process for which to identify, acknowledge and respond to requests for information, under the Freedom of Information Act 2000. It ensures that all requests are processed in accordance with the Act and with other relevant legislation.

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# Freedom of Information Policy

## 1. Introduction

- 1.1 The Freedom of Information (Fol) Act 2000 sets out an obligation to all public authorities to be open and transparent with the information they hold. It also enables members of the public to question the decisions of public authorities more closely and thereby ensure that the services we provide are efficiently and properly delivered.
- 1.2 It outlines a general right of access to information considered to be in the public interest, subject to certain conditions and exemptions detailed within the Act.
- 1.3 The Freedom of Information Act contains two main parts:
  1. The right of an individual to request information about, or held by a public authority in relation to any of its duties
  2. The legal obligation of a public authority to actively publish certain information within a publication scheme and provide a guide to this information.
- 1.4 This document sets out a framework which highlights to all CCG staff their responsibilities under Fol. It also sets out to those staff processing Fol requests, how this needs to be undertaken in order to comply with legal obligations.
- 1.5 It is the responsibility of all CCG staff, including those on temporary or honorary contracts, agency staff and students, to comply with this policy.
- 1.6 Freedom of Information requests should be sent to:  
The Communications Team  
Surrey Downs Clinical Commissioning Group  
Cedar Court  
Guildford Road  
Leatherhead  
Surrey  
KT22 9AE

Email: [contactus.surreydownsccg@nhs.net](mailto:contactus.surreydownsccg@nhs.net)

## 2. Scope of this document

- 2.1 This policy will apply to all employees of Surrey Downs CCG and Governing Body members. It should also be accessible to any contracted service providers to act as an example of good practice.
- 2.2 This policy will provide a framework within which Surrey Downs CCG will ensure compliance with the requirements of the Act.

- 2.3 This policy will underpin any operational procedures and activities connected with the implementation of the Act.
- 2.4 It is the responsibility of every staff member to be aware of the Freedom of Information Act 2000. A request for information must be in written form, but can take the place of a letter or email. Requests do not have to mention the Act and can be given to any member of staff working for Surrey Downs CCG.
- 2.5 Staff also need to be aware when creating information that any item can be requested under Fol. Marking an item as confidential does not necessarily prevent its release. Items should be considered on an individual basis, in keeping with the time of the response. Where items do contain exempt information, it may be that part of the document can still be released.
- 2.6 All staff have a duty to produce and update information, which should be publicly available under our Publication Scheme. Staff are also encouraged to proactively provide information to the Communications team, which is of public interest and can be published onto our website.
- 2.7 The Communications Team is responsible for logging, acknowledging and responding to all Fol requests. However, information requested may be needed from a specific team or member of staff. Therefore, staff need to be aware that when they are asked to provide information for an Fol request there is a time limit involved.
- 2.8 Staff may have queries relating to the release of certain information, but ultimately it is the responsibility of the Head of Communications and Communications Manager to make final decisions pertaining to exempting information.

### **3. Requests for information under the Freedom of Information Act 2000**

#### **3.1 Processing requests**

- 3.1.1 Any person may request information under Fol. A valid request must be received in writing, stating the name of the applicant, an address for correspondence and a description of information requested and how information is to be supplied.
- 3.1.2 For the purposes of general rights of access, a request is treated as made in writing if it is transmitted by electronic means, is received in legible form and is capable of being used for subsequent reference.
- 3.1.3 A request for information may be emailed or handed to any member of staff and does not need to state the Act within it. The date of receipt is the day that the request is received by the organisation, not the date it is received by the individual who processes requests. Therefore, staff need to be diligent in identifying Fol requests and understanding that they should be dealt with

promptly. All requests received should be either handed to a member of the Communications team or forwarded to [contactus.surreydownsccg@nhs.net](mailto:contactus.surreydownsccg@nhs.net). Staff who receive FoI queries should signpost individuals appropriately. Further information regarding FoI is contained on our website at [www.surreydownsccg.nhs.uk](http://www.surreydownsccg.nhs.uk) and will also be hosted in the future on our staff extranet site.

3.1.4 Once a request is received Surrey Downs CCG will aim to acknowledge receipt of the request to the applicant within three working days. No duty to acknowledge is stipulated within the Act, although it is considered good practice to do so.

3.1.5 From the date of receipt, an organisation has 20 working days to respond to the request.

3.1.6 The applicant has the right:

- To be informed in writing whether Surrey Downs CCG holds the information requested

and if that is the case,

- to have that information communicated to them.

## **3.2 Applying exemptions**

3.2.1 If the information requested is held, but meets one of conditions outlined in the Act exempting it from disclosure, the applicant must be issued with a refusal notice. This should inform them which exemption(s) has been applied and the reasoning behind withholding the information. All refusal notices provided by the CCG will contain details of how to appeal, both internally and to the Information Commissioner's Office.

3.2.2 A full list of exemptions is supplied as an appendix (1) to this policy.

3.2.3 When applying section 12 – the cost of compliance exceeds the appropriate limit set in the national Fees Regulations (18 hours) – the CCG is obliged to provide the applicant with an estimated breakdown of why this is the case. If information provided up to 18 hours would still answer part of the request, the CCG will ask the applicant to prioritise which information they would like answered first, and process the request up to the time limit.

3.2.4 In the case of some exemptions (qualified), the CCG is required to conduct a public interest test to decide if information should be withheld. This is when the importance of applying the exemption is weighed up against the public's interest in releasing the information. When an exemption is applied, it is the duty of the CCG to state why it is not considered within the public interest to release the information.

3.2.5 In conducting a public interest test, it may not be possible to reach a decision relating to disclosure with the 20 working day time limit. In this situation, the

CCG will write to the applicant within 20 working days of receipt of the request with a realistic estimate of when a decision will be reached.

- 3.2.6 Where information requested is personal information, the CCG will refer to section 40 of the Act exempting this from disclosure. Where the applicant is the data subject, or legally entitled to view personal information (for example, power of attorney, executor of will), this information may still be obtained via the Data Protection Act 1998 or a Subject Access Request. In these circumstances, the CCG will provide the appropriate advice and assistance to the applicant in applying for the information under the correct legislation.

### **3.3 Seeking clarification**

- 3.3.1 When processing requests, there may be times when Surrey Downs CCG requires an applicant to provide clarification over all or part of the information requested. When this occurs, the CCG will write to the applicant expressing in details what further information is required. We will also give examples, where possible in order to help the applicant in clarifying a request. Requests for clarification fall outside the 20 working days timescale to process requests. Therefore, applicants are encouraged to respond promptly to ensure that their request is processed as quickly as possible. The Communications Team are also happy for applicants to discuss concerns over the telephone, in order to resolve clarification issues quickly.

### **3.4 Duty to provide advice and assistance**

- 3.4.1 Under section 17 of the Act, it is the duty of Surrey Downs CCG to provide advice and assistance to persons who have made, or wish to make, requests for information. The CCG will ensure that systems and procedures are in place to meet this duty. This will include making all staff aware of their responsibilities under FoI within their induction training.
- 3.4.2 The systems and procedures will conform to the Code of Practice issued under section 45 of the Act.

### **3.5 Requests which appear to be part of an organised campaign**

- 3.5.1 Where a number of requests made by different people appear to form part of an organised campaign, the CCG may calculate the cost of complying with any of the requests as the cost of complying with them all. If this cumulative cost is estimated to exceed the appropriate limit that is set in the national Fees Regulations (18 hours), the CCG is not required to comply with the requests.
- 3.5.2 Where 3.5.1 is the case, Surrey Downs CCG will consider if it is possible to publish the information to our publication scheme and forward details of the link to each of the applicants within the appropriate cost limit.

### **3.6 Multiple requests from one party**

- 3.6.1 Where a number of requests are made by one party, the CCG may calculate the cost of complying with the requests as the cost of complying with them all. If this cumulative cost is estimated to exceed the appropriate limit that is set in the national Fees Regulations (18 hours), the CCG is not required to comply with the requests.
- 3.6.2 Where 3.6.1 occurs and the requests are received within a short space of each other, the applicant will be asked to prioritise their requests. The CCG will then respond to as many requests as possible within the appropriate cost limit.
- 3.6.3 Where 3.6.1 occurs and previous requests have already been processed by the CCG, the CCG will process all requests up to the appropriate cost limit. The applicant will then have to wait for a period of 60 working days before making another request.

### **3.7 Transferring requests for information**

- 3.7.1 A request for information may be transferred where the CCG receives a request for information which it does not hold, but which is held by another public authority. If a request is partly for information which the CCG does hold, and partly for that which it does not, the transfer will only be made in respect of the information it does not hold. The CCG would then continue to process the request for the held information.
- 3.7.2 The CCG will inform the applicant where information is held by another organisation and request permission to transfer the request. Alternatively, the applicant will be given details for the other organisation's Freedom of Information Lead.
- 3.7.3 The CCG will offer advice and assistance to applicants in situations where some or all of the information requested is not held by us.
- 3.7.4 Where a request for information is transferred to Surrey Downs CCG, the CCG will contact the applicant as per the process outlined within section 3.1 above. The deadline for responding to transferred requests will begin the date that the CCG receives the request from a third party organisation. The CCG will confirm with the third party organisation that they have received and are processing the transferred request.

### **3.8 Services which are hosted on behalf of other CCGs**

- 3.8.1 Surrey Downs CCG forms part of a collaborative commissioning arrangement comprising of 6 neighbouring CCGs. Therefore, in some instances, one CCG will be the main host of a service for the entire group.

3.8.2 Where Surrey Downs CCG is the host commissioner for services, we may hold information for a wider area, or be asked to supply information to another CCG for the purpose of an FoI request. All information shared would be done as part of a contracted arrangement and in accordance with Information Governance procedures.

3.8.3 Where Surrey Downs CCG is the host commissioner for services and has been asked on behalf of another CCG to supply information for an entire request, it may be preferable for that CCG to transfer the request to us. In this instance, the process outlined in section 3.7.4 above would be applied.

3.8.3 Where Surrey Downs CCG has been asked for information, but is not the host commissioner, we may need to request information from another CCG. All information shared would be done as part of a contracted arrangement and in accordance with Information Governance procedures. If the Surrey Downs CCG cannot answer any part of the request, we may need to transfer the request to the appropriate CCG who hosts that service. In this instance, the process outlined in sections 3.7.1 to 3.7.3 above would be applied.

### **3.9 Consultation with third parties**

3.9.1 Where information cannot be disclosed without affecting the legal rights of a third party (e.g. where information has been obtained from a third party and disclosure without their consent would constitute an actionable breach of confidence, as set out in section 41 of the Act), the CCG will make reasonable efforts to gain the consent of the third party to the disclosure of the information. This may not be appropriate where the cost of consulting with a third party would be considered unreasonable, or disproportional to the request.

3.9.2 Even where a third party's legal rights are not affected, the CCG may still be required to consult with third parties where their views will assist the CCG in assessing exemptions and the public interest.

3.9.3 Where the interests of a number of third parties may be affected by a disclosure, the CCG may consider that consultation with their representative organisation or a representative sample of the third parties in question is sufficient.

3.9.4 In all cases, it is for Surrey Downs CCG (not the third party) to determine whether information should be disclosed under the Act. Refusal to comment or consent to disclosure by a third party does not alone provide sufficient reason for information to be withheld.

3.9.5 Surrey Downs CCG may be required to contact third parties for legal advice where specialist knowledge is required in processing a request. In such instances information will be handled in accordance with Information Governance procedures.

### **3.10 Complaints procedure**

- 3.10.1 If an applicant is dissatisfied with the way that their request has been processed they have a right to ask for an internal review to be conducted.
- 3.10.2 If an applicant is dissatisfied with the response they should contact the Communications Team via the contact details in section 1.6 above.
- 3.10.3 In conforming with section 45 of the Act, internal reviews will be conducted by a member of staff within the Communications Team who has not been involved in responding to the original request and can give an impartial, independent opinion, with clear FoI knowledge.
- 3.10.4 Where possible, internal reviews will be conducted within 20 working days and not exceed 40 working days. On receiving an appeal the Communications Team will let the applicant know promptly if they feel that the review will exceed 20 working days.
- 3.10.5 If an applicant remains dissatisfied with the outcome of an appeal, they have the right to make a complaint against the CCG with the Information Commissioner's Office (ICO). This can be done in writing to:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

- 3.10.6 If an applicant is satisfied with the process and outcome of a request, but would like to make a complaint about another aspect of their experience with the CCG, they can make a complaint as per our complaints procedure. This can be done by writing to:

Patient Experience and Complaints Manager  
Surrey Downs Clinical Commissioning Group  
Cedar Court  
Guildford Road  
Leatherhead  
Surrey  
KT22 9AE

Email: [contactus.surreydownsccg@nhs.net](mailto:contactus.surreydownsccg@nhs.net)

#### **4. Requests for environmental information**

- 4.1 The Environmental Information Regulations 2004 (EIR) give individuals a right to access environmental information held by public authorities. Under EIR Surrey Downs CCG is obligated to:
- make environmental information available proactively, which we will do via our website and publication scheme; and
  - respond to requests for environmental information.
- 4.2 Information requested under EIR will be processed accordingly.
- 4.3 Environmental information requested under the FoI Act will be processed in accordance with the Act where it is to be provided in full.
- 4.4 Environmental information requested under the FoI Act will be processed in accordance with EIR where exceptions are to be considered to releasing information.
- 4.5 All duties relating to FoI and stipulated under section 3 above, will remain consistent when applied to EIR.
- 4.6 The CCG will provide advice and assistance to applicants when required regarding requests for information in accordance with EIR.

#### **5. Publication Scheme**

- 5.1 It is a legal requirement of all public authorities to publish certain categories of information in the form of a publication scheme, showing commitment to routinely and proactively providing information to the public. Authorities should also provide a guide to information, specifying what is published and how it is available and a schedule of fees stating what charges apply to information.
- 5.2 Surrey Downs CCG has adopted the model publication scheme developed by the Information Commissioners Officer. Our publication scheme takes the form of our website and is available at [www.surreydownsccg.nhs.uk](http://www.surreydownsccg.nhs.uk). The publication scheme also contains a guide to information; directing individuals to where each class is located.
- 5.3 Information relating to charges is under section 6 below. This information is also available on the CCGs website.
- 5.4 Hard copies of the publication scheme (or items from) are available on request, within reasonable means.
- 5.5 The content held within the publication scheme is subject to regular reviews. As part of this, the CCG will identify where frequent requests have been made for the same information and aim to proactively publish this information, where possible.

5.6 Full details regarding the ICO's model publication scheme is available on their website at [www.ico.gov.uk](http://www.ico.gov.uk).

## **6. Charging regime**

6.1 Surrey Downs CCG does not generally charge for any information supplied under the Act, or as part of its publication scheme. However, charges may arise where multiple page hard copies are requested, or information is to be copied onto other media (e.g. CD-ROM).

6.2 The CCG will follow the national Fees Regulations for general rights of access under the Act. These set an appropriate limit on costs of compliance, the method for calculating appropriate fees and the circumstances in which a fee should be levied.

6.3 In all cases where the CCG chooses to charge for information published through the publication scheme, or levy fee arising from an information request under general rights of access, a fees notice will be issued to the applicant as required by section 9 of the Act. Applicants will be required to pay any fees within a period of three months beginning with the day on which the fees notice is given to them. Failure to pay will result in the request being closed after the three month period.

6.4 Where information requested is estimated to exceed the cost of compliance (18 hours), Surrey Downs CCG would exempt the request in accordance with section 12 of the Act.

6.5 Where appropriate, the CCG will provide advice and assistance to applicants to keep the cost of compliance to a minimum, in order to provide information.

## **7. Re-use of Information**

7.1 Surrey Downs CCG allows all information held on our website and supplied under the FoI Act to be re-used, free of charge with the following conditions:

- Information supplied freely by the CCG should not be re-used for commercial profit or gain
- Information should be re-used in the context to which it was originally supplied, and not altered without the express permission of Surrey Downs CCG

7.2 Queries relating to the re-use of information should be sent to the Communications team using the contact details outlined above in section 1.6.

## **8. Providing translated information or in other formats**

- 8.1 When responding to FoI requests, Surrey Downs CCG will automatically respond in letter format, with attachments as pdfs and in the language in which it is received.
- 8.2 We are happy to consider all requests for information to be translated or provided in an alternative format, and will make every effort to supply, where possible. These requests should be made with the initial FoI request.
- 8.3 Information held on our website meets RNIB standards and can be translated, using Google Translate. The website also contains basic accessibility tools for alternating text size and background shade.

## **9. Responsibilities**

### **9.1 Role of the Information Commissioner's Office**

- 9.1.1 The Information Commissioner's Office (ICO) is the UK's independent authority established to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The ICO holds the power to enforce the rights created by the Act. This is done through ruling of complaints, providing information to individuals and organisations and taking the appropriate action when the law is broken.
- 9.1.2 In promoting good FoI practice, the ICO provide a number of guidance documents, which can be used to help organisations to meet their obligations under the Act.
- 9.1.3 Full information regarding the role of the ICO can be found on their website at [www.ico.gov.uk](http://www.ico.gov.uk).

### **9.2 CCG responsibilities**

- 9.2.1 The Chief Officer (CO) of Surrey Downs CCG has ultimate responsibility for CCGs compliance with the Freedom of Information (FoI) Act 2000. The CCG has delegated day-to-day responsibility for implementing the FoI Act to the Head of Communications and Engagement.
- 9.2.2 The Head of Communications and Engagement will liaise with the Executive Team, Governing Body Secretary and Caldicott Guardian in ensuring that the correct procedures are in place for the CCG to comply with the FoI Act.
- 9.2.2 The Head of Communications and Engagement will work with the Governing Body Secretary to ensure that all policies (including this one) and procedures concerning compliance with FoI are produced, approved, implemented and monitored. They will also ensure that changes to these policies are communicated to staff and Governing Body members.

- 9.2.3 The CCG will ensure that staff responding to FoI requests have received the appropriate training to do so. It will also ensure that all CCG staff have an awareness of FoI provided through their induction training. The Communications Team will liaise with training staff and senior managers to provide refresher information to staff, where appropriate.
- 9.2.4 The Head of Communications and Engagement will report on a regular basis to senior managers via the appropriate committee(s) regarding the CCGs compliance with the Act, including numbers and types of requests received.
- 9.2.5 The Head of Communications and Engagement will ensure that information is made available to the general public on the CCG's website and in other media (where appropriate) informing them of their rights and how they can apply for information.
- 9.2.6 The Head of Communications and Engagement will assist with any investigations and complaints concerning CCG compliance with the FoI Act. They may also have to be involved with any internal appeals, or delegate that responsibility to another member of the Communications Team, where they have been the initial responder of the request.

### **9.3 General responsibilities of all staff and Governing Body members**

- 9.3.1 All CCG staff will be made aware of the Act and how it applies to them through their induction training. Regular updates will be made available as and when required via the CCGs upcoming extranet and other internal communications methods, such as weekly meetings. This will include their own personal responsibilities for the records they create, including emails, minutes of meetings and how they adhere to this policy.
- 9.3.2 In conjunction with FoI awareness, all staff will be responsible for completing Information Governance training.
- 9.3.3 All staff and Governing Body members are obliged to read and adhere to this policy. A failure to adhere to this policy may result in disciplinary action.
- 9.3.4 Managers at all levels are responsible for ensuring that the staff for whom they are responsible are aware of and adhere to this policy. They are also responsible for ensuring that staff are updated in regard to any changes in this policy.

### **9.4 Freedom of Information function**

- 9.4.1 The Freedom of Information function sits within the Communications and Engagement function of the CCG and serves to ensure that legislation is appropriately and effectively implemented.

#### 9.4.2 Specific roles are:

**Head of Communications and Engagement:** has overall responsibility for the implementation of the Fol Act within the CCG. Manages the day-to-day duties of the Communications Team in responding to requests and updating the Publication Scheme.

**Governing Body Secretary:** responsible for writing and implementing Information Governance (IG) policies and procedures within the CCG. Can provide specialist IG advice and support to the Head of Communications and Engagement in the implementation of the Act.

**Caldicott Guardian:** has overall responsibility for the implementation of the Data Protection Act 1998 (DPA) within the CCG. Can provide specialist DPA advice and support to the Head of Communications and Engagement in the implementation of the Act.

## 10. Record Management

- 10.1 All records created, used and held in implementing the Freedom of Information Act 2000 are done so in accordance with the CCG's Record Management Policy.

## 11. Relevant legislation

- The Freedom of Information Act 2000;
- The Human Rights Act 1998;
- The Public Records Act 1958;
- The Data Protection Act 1998;
- Access to Health Records Act 1990;
- Environmental Information Regulations 2004;
- The Human Fertilisation and Embryology Act 2008;
- The Common Law Duty of Confidentiality; and
- The NHS Confidentiality Code of Practice

The CCG will also take action to comply with any new legislation affecting Freedom of Information as it arises.

## Appendix 1: Information Exempt from Disclosure under the FoI Act

### Exemptions under Part II of the Freedom of Information Act 2000

There are 23 exemptions to the general right of access to information under the FOI Act. Eight of these are in whole or part 'absolute' exemption. For the others however, a 'public interest' test applies and the authority will still have to release the information requested, unless it judges that the public interest in not disclosing the information is greater than the public interest in releasing it.

**Absolute**, which do not require a test of prejudice or the balance of public interest to be in favour of non-disclosure.

**Qualified** by the public interest test, which require the public body to decide whether it is in the balance of the public interest not to disclose information.

With the exception of section 21 (information available by other means) absolute exemptions apply not only to the communication of information but also to the duty to confirm or deny, if that itself would disclose information that it is reasonable to withhold.

The absolute exemptions under the Act are:

<b>Section 21</b>	<b>Information accessible to applicant by other means</b> – it may be reasonably accessible even if the applicant has to pay for it.
<b>Section 23</b>	<b>Information supplied by, or relating to, bodies with security matters</b> – this is aimed at the Security Services, Government Communications Headquarters and the National Criminal Intelligence Service.
<b>Section 32</b>	<b>Court records</b> – covers documents in the custody of a court, created by a court or served on or by a public authority for court proceedings.
<b>Section 34</b>	<b>Parliamentary privilege</b> – to avoid infringing the privileges of either House of Parliament.
<b>Section 40</b>	<b>Personal information</b> – where the applicant is the subject of the information the request must be dealt with in accordance with the Subject Access rights provided in the Data Protection Act 1998. Where the applicant is not the subject of the information, then it is exempt if disclosure of it would breach the Data Protection Act 1998.
<b>Section 41</b>	<b>Information provided in confidence</b> – if the disclosure of the information would constitute a breach of confidence that could lead to action against the CCG.
<b>Section 44</b>	<b>Prohibitions on disclosure</b> – information is exempt if its release is prohibited under any enactment, it is incompatible with Community obligation or would constitute contempt of court.

The exemptions that are qualified by the public interest test are:

<b>Section 22</b>	<b>Information intended for future publication</b> – this applies where publication was planned at the time the request was made.
<b>Section 24</b>	<b>National Security</b> – information that is not covered by Section 23 above, but exemption is needed to safeguard national security.
<b>Section 26</b>	<b>Defence</b> – information can be exempt if its release would affect the defence of the British Isle, any British colony or the capability and effectiveness of the armed forces.
<b>Section 27</b>	<b>International relations</b> – information is exempt if its release would prejudice relations with another state, international organisation, international court or the interests of the UK abroad.
<b>Section 28</b>	<b>Relations with the United Kingdom</b> – covers information that would prejudice relations between any administration in the UK and any of such administration.
<b>Section 29</b>	<b>The economy</b> - covers information that would prejudice the economic interest of the UK or the financial interests of any administration in the UK.
<b>Section 30</b>	<b>Investigations and proceedings conducted by public authorities</b> – covers information held for an investigation that the authority has a duty to conduct to decide if a person should be charged with or found guilty of an offence, relates to criminals proceedings that the authority has power to conduct or relates to civil proceedings brought by or on behalf of the authority.
<b>Section 31</b>	<b>Law enforcement</b> – information is exempt if its release would prejudice law enforcement. This includes the prevention and detection of crime, apprehension and prosecution of offenders, administration of justice, the operation of immigration controls and the security of prisons.
<b>Section 33</b>	<b>Audit functions</b> – this applies to authorities that have functions in relation to the audit of other authorities' accounts and the examination of efficiency and effectiveness of the use of their resources. This does not cover internal auditing functions of authorities.
<b>Section 35</b>	<b>Formulation of government policy</b> – relates to certain information held by government departments and the National Assembly of Wales.
<b>Section 36</b>	<b>Prejudice to effective conduct of public affairs</b> – information is exempt if, in the opinion of a qualified person, it would prejudice how the CCG conducts its public affairs.
<b>Section 37</b>	<b>Communications with Her Majesty, with other members of the Royal Household, and the conferring by the Crown of any honour or dignity.</b>
<b>Section 38</b>	<b>Health and safety</b> - information is exempt if its disclosure would endanger the physical health, mental health or safety of any individual.
<b>Section 39</b>	<b>Environmental information</b> – covers information that can be accessed via the Environmental Information Regulations 2004.
<b>Section 42</b>	<b>Legal professional privilege.</b>
<b>Section 43</b>	<b>Commercial interests</b> – information is exempt if it constitutes a trade secret or would prejudice or be likely to prejudice the commercial interests of any person or organisation.

## Appendix 2: Procedure following receipt of any enquiry made under the Freedom of Information Act 2000

Key Actions and Stages	Action	Timescale	Responsible individual/s	Notes/Further actions
Initial Application if outside Communications Team	Request to be sent to the Communications Team	Same day, or as soon as possible.	Receiver of request	
On Receipt by Communications Team	Allocated to a Case Owner (within Communications Team)	1 working day	Head of Communications and Engagement/ Communications Manager	
Allocated/processing request	Request logged	Within 3 working days of receipt of request	Case Owner	Items considered: <ul style="list-style-type: none"> <li>• Is advice and assistance required?</li> <li>• Is it a valid request?</li> <li>• Is the request part of a campaign, repeated, vexatious, or over the appropriate fees limit?</li> <li>• Does request need to be transferred?</li> </ul>
	Acknowledgement letter sent to applicant		Case Owner	
	Information assessed: Is it held? Which team/individual would be able to help in processing request?		Case Owner	If insufficient information is supplied to process request clarification is requested from applicant. Clock stopped whilst seeking clarification.
	Request forwarded to individual/team to locate	10 working days (up to day 14)	Named individual/head of	Case Owner to liaise with individual/team to help in

	information/help process request.		team	locating information or clarifying items for them. Additional time discussed if information is difficult to retrieve.  Consideration of whether locating information would exceed appropriate limit.
Information not held	Response to applicant	2 working days	Case Owner	If held by another organisation, request may be transferred on behalf of the applicant (with permission).
Information held	Information reviewed in respected of cost of compliance and exemptions.	4 working days	Case Owner	Public interest test applied for qualified exemptions (case owner to liaise with applicant if more time needed).
Responding to applicant	Information provided to applicant.	2 working days	Case Owner	Preferences in format considered when supplying information. Applicant to be provided with timescales if information has to be sent off for formatting (for example, translation or braille).
	Refusal notice issued	2 working days	Case Owner	Stating why the request has been refused and the reasoning of any public interest test applied.