

**PAPER FOR THE LUTON CLINICAL COMMISSIONING GROUP
PATIENT SAFETY AND QUALITY COMMITTEE
TO BE HELD ON 30 MAY 2019**

TITLE	Freedom of Information Requests (FOI) Annual Report for 2018/2019
PRESENTED BY (Plus contact details for pre Committee enquiries)	Gill Humberstone – Complaints and FOI Manager gill.humberstone@bedfordshireccg.nhs.uk 01525 624257
LEAD CLINICIAN/MANAGER	Gill Humberstone – FOI Manager
WHAT IS THE OBJECTIVE OF THE PAPER?	The report includes data and narrative on FOI requests for the period 01 April 2018 to 31 March 2019
WHAT IS THE PSQC BEING ASKED TO DO?	Note content
WHICH OTHER COMMITTEES HAVE REVIEWED THIS PAPER?	None
INTEGRATED IMPACT ASSESSMENT (IIA)	
HAS AN IIA BEEN CARRIED OUT?	n/a
WHAT IS THE IMPACT?	POSITIVE/NEGATIVE/NEUTRAL*
IF THE IMPACT IS NEGATIVE, HOW WILL IT BE MANAGED?	n/a
LINK TO CORPORATE OBJECTIVES AND RISK	
WHICH CORPORATE OBJECTIVE(S) DOES THIS PAPER RELATE TO	To meet statutory obligations
WHAT ARE THE KEY RISKS? (State risk ID and risk as stated on the Risk Register)	None – this is a data report

*Delete as appropriate

EXECUTIVE SUMMARY

The report includes data and narrative on Freedom of Information requests for the period 01 April 2018 to 31 March 2019.

Contents

1. Introduction
2. FOI overview
3. Public Interest Tests (PIT)
4. Internal Reviews
5. Information Commissioners Office (ICO)
6. Publication

1. Introduction

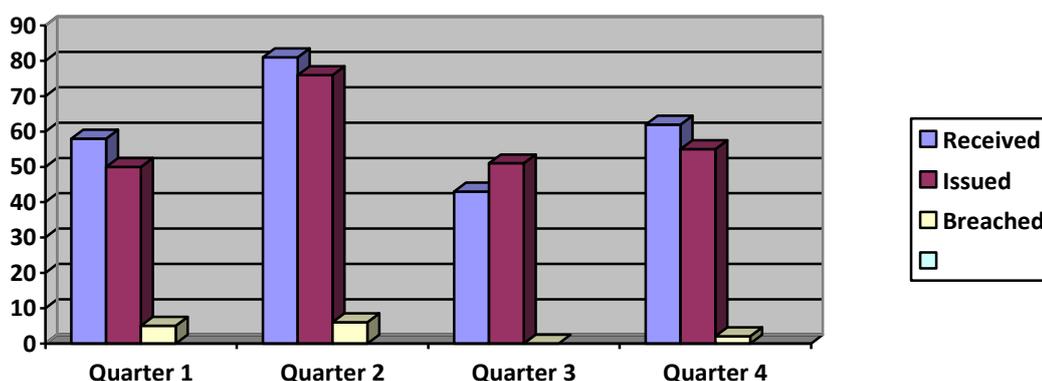
Freedom of Information Act (FOIA) came in effect in 2000 and gives members of the public the right to access recorded information held by public sector organisations. The aim of the Act is to create greater openness in public services and is a commitment to inform people how public authorities make operational decisions and how public money is spent. This commitment is supported by Luton Clinical Commissioning Group (LCCG) and our FOI policy is fully compliant with our statutory responsibilities under the Act. FOI requests must be in writing and organisations must respond within 20 working days.

2. FOI Overview

A total of **244** FOI requests were received for 2018/2019, compared to **253** in 2017/2018. **94.67%** FOI's were responded to within the statutory timeframe of 20 working days. There were 13 breaches, reasons as follows:

- 1 - Accounts being audited
- 5 - Delay in approval
- 6 - Delay in internal response
- 1 – No access to requestor's email

LCCG FOIs 2018/2019	Received	Issued	Breached
Q1	58	50	5
Q2	81	76	6
Q3	43	51	0
Q4	62	55	2
Totals 18/19	244	232	13



3. Public Interest Tests

Under the *Government Information (Public Access) Act 2009 (GIPA Act)*, all government agencies must disclose or release information unless there is an overriding public interest against disclosure. When deciding whether to release information, staff must apply the public interest test. This means, they must weigh the factors in favour of disclosure against the public interest factors against disclosure.

Unless there is an overriding public interest against disclosure, LCCG must provide the information. There are some limited exceptions to this general rule, for example where dealing with an application would constitute a significant and unreasonable diversion of resources.

1 Public Interest Test was undertaken in Q3 – Outcome: S43 exemption was applied - commercial Interests “trade secrets” “Release of the information is likely to prejudice the commercial interests of any person” (A person may be an individual, a company, the public authority itself, or any other legal entity)

Under Section 12 of the FOIA the CCG refused to deal with 2 requests. It was estimated that the staff hours required to provide the information in the format requested would exceed the limit (18 hours @ £25.00 per hour = £450).

4. Internal Reviews

Requestors who are dissatisfied with the way their request has been handled or with a decision to withhold information, are entitled to request an internal review. The request must be made in writing to LCCG.

0 reviews were carried out in 2018/2019.

5. Information Commissioner’s Office (ICO) Monitoring

If a requestor remains dissatisfied following an internal review by LCCG or is unhappy with the way their request is being handled, they have the right to contact the Information Commissioner’s Office (ICO) <https://ico.org.uk/>

No monitoring was undertaken by the ICO in 2018/2019.

6. Publication

LCCG is obliged under the Act to have a formal Publication Scheme, which is the CCG’s website. As well as the information dictated by the Act, such as information on the CCGs role within the NHS structure, its chief partner organisations etc, LCCG pro-actively publish other information, such as reports, minutes and selected material released in response to FOI requests.