

<b>OAKLEY HEALTH GROUP</b>	
<b>FREEDOM OF INFORMATION POLICY</b>	
<b>REVIEW DATE:</b>	<b>01.06.17</b>
<b>REVIEWED BY:</b>	<b>Dr Neil Bhatia</b>
<b>NEXT REVIEW:</b>	<b>01.04.18</b>

## **Introduction**

The Freedom of Information Act (*the Act*) was passed in November 2000, and came into force on 1 January 2005. It sets out the basic rights of an individual to request and receive information held by a public authority. The aim of the Act is to enable members of the public to question the decisions of public authorities more closely and to ensure that public services are efficiently and properly delivered.

The Act sets out the way requests should be handled, outlines the exemptions to providing requested information, and highlights the obligations of public authorities.

The Act is enforced by the Information Commissioner, who also enforces Data Protection legislation.

## **Principles**

The surgery supports the principle that openness should be the norm in public life.

The surgery also supports an individual's right to privacy and confidentiality. Consequently, any release of information must be compatible with the provisions of the Data Protection Act 1998.

The surgery reserves its right to make appropriate use of the exemptions outlined in the Freedom of Information Act.

The surgery will comply with the Act and sees it as an opportunity to enhance public trust and confidence in the Practice.

The surgery will ensure that all staff are aware of their obligations under the Act and will include Fol education in the induction of all new staff

## **Rights for applicants**

The Data Protection Act gives individuals the right to have access to their own personal data. No personally identifiable data will be released under the Freedom of Information Act.

The Freedom of Information Act gives the applicant two related rights when requesting information:

- a) The right to be told whether the information requested exists
- b) The right to receive the information, subject to any applicable exemption

Anyone is entitled to make a request for information, but the request must be in writing (such as letter, fax or email), legible, and must include a description of the information requested and an address for reply (which may be an email address).

## **Responsibilities of the surgery**

The surgery will provide information in accordance with the Act as follows:

### *Publication Scheme*

- a) The surgery will maintain a publication scheme (based on the Information Commissioner's Model Publication Scheme 2015) setting out how it intends to publish the different classes of information it holds, and whether there will be a charge for providing the information. The scheme will provide information which is readily accessible without the need for a formal FOI Act request.
- b) The publication scheme will be reviewed annually.

### *Requests for information*

- a) Requests for information may be received centrally via email or directly by any person within the surgery.
- b) Any person who makes a valid request for information under the terms of the Act will be informed whether the surgery holds that information.
- c) The surgery will provide all or part of the information requested unless an exemption applies.
- d) The surgery will provide reasonable advice and assistance to applicants and prospective applicants. We will provide advice and assistance to requesters to facilitate their use of the Act. We will publish our procedures and assist requesters to clarify their requests so that they can obtain the information that they require.
- e) The surgery will keep a record of all requests for information, and the outcome of those requests.
- f) Requests for information will be acknowledged as soon as possible after first being received by the surgery.

- g) The surgery will respond to requests within twenty working days.
- h) Where additional information or clarification is required from the applicant to enable the request to be processed, the deadline for response will be suspended until such time as the additional information or clarification has been received by The surgery.
- i) Where a fee is requested in order to provide the information, the deadline for response will be suspended by up to three months until the fee has been received by The surgery.
- j) Where no fee is received within three months of a fee request, The surgery will not comply with the request for information.
- k) Whenever possible, the surgery will provide the information in the manner requested by the applicant.
- l) The surgery will consult with third parties before disclosing information that could affect their rights and interests. However, according to the Act, the Practice must take the final decision on disclosure.
- m) The surgery may choose not to release the information if an exemption applies. Where an exemption does apply, but The surgery chooses to release the information in the public interest, it will disclose it within a reasonable time.
- n) If The surgery considers it has grounds not to release the information requested, it will issue a Refusal Notice giving reasons for its decision.
- o) The surgery will keep a record of every request that has been refused, and the reason(s) for that refusal.
- p) Dr Neil Bhatia (the FOI lead) will be responsible for assessing all requests for information, logging details of the request, acknowledging receipt and collating all the information for disclosure. He will also be responsible for forwarding all non-excepted information to the requestor. In his absence, the FOI lead may delegate any and all such responsibilities to the Practice Manager.
- q) All requests for information should be forwarded directly to the FOI lead.

## *Fees*

- a) The surgery will not generally charge for information that is published in its publication scheme.
- b) The surgery will estimate the cost of complying with each request for information. When estimating the cost of compliance, The surgery will take account of the cost of determining whether The surgery holds the information, locating and retrieving the information and the cost of staff time calculated at a rate approved by the Information Commissioner.
- c) Where the estimated cost of compliance exceeds £450, the surgery will not be obliged to respond to the request, and may inform the applicant by means of a Refusal Notice.

## *Vexatious requests*

- a) Where the surgery has previously complied with a request for information, it is not obliged to comply with a subsequent identical or similar request from the same person, unless a reasonable amount of time has elapsed between requests.
- b) The surgery will log all requests for information to help identify vexatious or repeated requests.

## *Complaints*

- a) The surgery will operate a complaints procedure that will give the applicant the right to an internal review of the outcome or administration of any valid FOI request.
- b) Such reviews will be undertaken by the Practice Manager or an appropriate nominated GP.
- c) Where the Practice Manager has been closely involved in handling the original request, any review will be conducted as appropriate by an appropriate nominated GP.
- d) The applicant will have the right to complain to the Information Commissioner should they be dissatisfied with the outcome of the internal review.
- e) The surgery will inform applicants of these rights as part of its response to a request for information.
- f) The surgery will keep a record of reviews, complaints and their outcomes.

## **Monitoring and Review**

Dr Neil Bhatia will be responsible for monitoring the operation of this policy and procedure, and for reviewing and updating the policy and procedures.