

Dr. Razaqat Rashid
MBChB, MA

PICTON MEDICAL CENTRE

Dr. Amar Bostan

MBChB, MRCP, MRCGP <http://www.pictonmedicalcentre.nhs.uk>

Westbourne Green
Community
Health Care Centre
50 Heaton Road
Bradford
West Yorkshire
BD8 8RA

Freedom of Information Policy

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Table of contents

1	Introduction	3
1.1	Policy statement	3
1.2	Status	3
1.3	Training and support	3
2	Scope	3
2.1	Who it applies to	3
2.2	Why and how it applies to them	3
3	Definition of terms	4
3.1	Freedom of Information	4
3.2	Information Commissioner's Office	4
4	Policy	4
4.1	Obligations under the Act	4
4.2	Principles	4
4.3	Information publication	4
4.4	Classes of information	5
4.5	Requests for information	6
4.6	Responding to an information request	6
4.7	Refusing a request	7
4.8	Summary	7
	Annex A – Practice publication scheme	8

1 Introduction

1.1 Policy statement

The purpose of this document is to ensure that staff and patients at Picton Medical Centre (PMC) are aware of the ways in which the practice adheres to the Freedom of Information (Fol) Act 2000 (referred to as the Act herein). The Act enables the public to access information held by public authorities in two ways:¹

- Public authorities are obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from public authorities

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.

1.2 Status

This document and any procedures contained within it are contractual and therefore form part of your contract of employment. Employees will be consulted on any modifications or change to the document's status.

1.3 Training and support

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

2 Scope

2.1 Who it applies to

This document applies to all employees of the practice and other individuals performing functions in relation to the practice, such as agency workers, locums and contractors.

2.2 Why and how it applies to them

PMC 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.

The practice 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 in regard to the individual protected characteristics of those to whom it applies.

¹ [What is the Freedom of Information Act?](#)

3 Definition of terms

3.1 Freedom of Information

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.²

3.2 Information Commissioner's Office

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

4 Policy

4.1 Obligations under the Act

In accordance with the Act, PMC must:³

- Publish certain information proactively
- Respond to requests for information

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

4.2 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 them 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; and
- 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.

4.3 Information publication

The ICO expects this practice to adopt its [model publication scheme](#) and commit to:⁴

² [Freedom of Information Act 2000](#)

³ [What is the Freedom of Information Act?](#)

- Proactively publishing or otherwise making available, as a matter of routine, information, including environmental information, which 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, which 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 PMCs publication scheme can be found at Annex A.

4.4 Classes of information

The publication scheme refers to seven classes or types of information:⁵

- 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
- 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 practice 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; and records management (retention and destruction), data protection, the handling of requests for information, the patients' charter

⁴ [ICO Model publication scheme](#)

⁵ [MDU Freedom of information](#)

- Lists and registers – it is unlikely that any practice 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 PMC to make the above information available unless:⁶

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

4.5 Requests for information

To ensure the validity of FOI requests, staff at PMC 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)
- 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.

4.6 Responding to an information request

PMC 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, PMC 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)

⁶ ICO – Guide to information provided by GPs under the model publication scheme

PMC 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.

4.7 Refusing a request

At PMC requests may be refused for the following reasons:⁷

- 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

PMC is permitted to withhold information if an exemption applies. In all instances of refusal, the practice will send the requester a written refusal notice; this notice must state either that PMC has the information but is refusing to release it, or the practice 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.

4.8 Summary

PMC 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 practice is demonstrating that it is operating in an open and transparent manner.

⁷ [ICO – When can we refuse a request for information](#)

Annex A – Practice publication scheme⁸

Information available from PMC who are providing 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
All information in Class 1	Practice Website	No cost
Organisational information, structures, locations and contacts		
Doctors in the practice		
Contact details for the practice (named contacts with telephone numbers and email addresses)		
Opening hours		
Other staffing details		
Meeting information – specifically with pharma companies and other medical suppliers		
Class 2 – What we spend and how we spend it		
Information to be published	How the information can be obtained	Cost
All Information Class 2	By written request to Management Team	TBA
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.		
Details on NHS funding received by the practice. We would expect practices to consider publishing as much information as is practically possible, including as much detail as possible.		
Audit of NHS income		
Details of expenditure items over £10,000 – published at least annually but at a quarterly or six-monthly interval where practical.		
List and value of contracts awarded by the practice. We would normally only expect the practice to publish details of contracts that are of sufficient size to have gone through a formal tendering process.		
Staff allowances and expenses that		

⁸ This table was taken from the ICO Guide to information provided by GPs under the model publication scheme

Picton Medical Centre

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.		
Pay policy		
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.		
Class 3 – What our priorities are and how we are doing		
Information to be published	How the information can be obtained	Cost
All information in Class 3	By written request to the management team	TBA
Strategies and plans, performance indicators, audits, inspections and reviews Current and previous year as a minimum		
Plans for the development and provision of NHS services		
Performance data, including performance against targets		
Inspection reports by regulators: the CQC, HIW, RQIA and HSCB and any other regulators		
Class 4 – How we make decisions		
Information to be published	How the information can be obtained	Cost
All information in Class 4	By written request to the management team	TBA
Decision-making processes and records of decisions Current and previous year as a minimum		
Records of decisions made in the practice affecting the provision of NHS services		
Class 5 – Our policies and procedures		
Information to be published	How the information can be obtained	Cost
All information in Class 5	F Drive internally. By written request externally to the management team	TBA
Current written protocols, policies and procedures for delivering our services and responsibilities. Mark 'not held' against any policies that are not available		
Policies and procedures about		

Picton Medical Centre

customer service		
Internal instructions to staff and policies relating to the delivery of services		
Policies and procedures about the recruitment and employment of staff		
Equality and diversity policy		
Health and safety policy		
Complaints procedures (including those covering requests for information and operating the publication scheme)		
Records management policies (records retention, destruction and archive)		
Data protection policies		
Policies and procedures for handling requests for information		
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.	None held	NA
Any publicly available register or list (if any are held, this should be publicised; in most circumstances existing access provisions will suffice)	None held	NA
Class 7 – The services we offer		
Information to be published	How the information can be obtained	Cost
All information in Class 7	Practice Website	No Cost
Information about the services we offer, including leaflets, guidance and newsletters produced for the public		
The services provided under contract to the NHS		
Charges for any of these services		
Information leaflets		
Out-of-hours arrangements		