

**HAVERING NORTH PRIMARY CARE NETWORK – HNPCN
Freedom of Information Policy**

- 1 HNPCN will comply with:
 - 1.1 The terms of the Freedom of Information Act 2000 and any other relevant legislation to ensure requests for access to information held by the Network are treated in a manner that is fair and lawful.
 - 1.2 BHR CCG & NHSE advice and guidance.
 - 1.3 Information and guidance displayed on the Information Commissioner's website: <https://ico.org.uk/>

- 2 This policy should be used in conjunction with the BHR CCGs ***Internet Use Policy*** and ***Data Protection Policy***.

- 3 Data Gathering and Storage
 - 3.1 Information will only be gathered and stored for specified purposes (incl GDPR 2018).
 - 3.2 In order to be able to respond to requests for information HNPCN members will implement effective records management policies to enable staff to identify whether data is held and, if it is, locate it quickly and easily.
 - 3.3 The network's member practices retention policies should be based on the guidance in the NHS E records keeping guidelines.
 - 3.4 Information held by HNPCN (member practices) should be regularly reviewed with a view to archiving or destruction, where appropriate.

- 4 Publication Scheme
 - 4.1 HNPCN (member practices) will adopt and publish the appropriate model publication scheme, as recommended by NHSE records management guidance, IG, data protection guidance and ICO office.

- 5 Dealing with Requests for Information
 - 5.1 Theoretically any request for information is a request under the Freedom of Information Act, only those requests, which are considered to be outside the normal remit of the service provided, will be recorded as Freedom of Information requests.
 - 5.2 HNPCN (member practices) will assist applicants in making their request to have access to information held.
 - 5.3 Assistance will be given to applicants whose requests need to be transferred to another organisation/authority (e.g. BHR CCG, council, hospital(s)).
 - 5.4 HNPCN (member practices) will exercise their duty to confirm or deny the existence of requested data, subject to any exemptions that may apply.
 - 5.5 HNPCN (member practices) will supply data requested within 20 working days (or in line with the Information Commissioner's current policy), subject to any exemptions that may apply.

- 5.6 All requests for information will be dealt with in compliance with the 20 working day deadline, whether they are recorded as Freedom of Information requests or not.
- 5.7 If a response will take longer than 10 working days to respond an acknowledgement will be sent to the person making the request, informing them when the information will be supplied. We recognise this does allow HNPCN to exceed the overall 20 working day deadline.
- 5.8 A designated member of staff will be responsible for ensuring requests are fulfilled within the stipulated deadline and recording details of the request on a tracking database (excel spread sheet).
- 5.9 Persons requesting data will be supplied with a copy of our complaints procedure upon request.
- 5.10 Any complaints regarding Freedom of Information requests must firstly be addressed by the member practice. If, the applicant is not satisfied with the response; and once the practice has had the opportunity to reconsider their decision, and it is considered the initial response was correct the applicant will be entitled to take the matter to the Information Commissioner's Office.
- 5.11 Copies of data supplied will be retained for two years from the date it was put into the public domain.

6 Applying Exemptions

- 6.1 A full list of exemptions can be found at the Information Commissioner's website. There are two types of exemption – absolute and qualified.
- 6.2 In practice there are very few which are likely to be applied by the health & social care sector.
- 6.3 The decision to apply absolute exemptions will not be taken by individual members of staff but by a constituted group of at least three of the following: CD/executive manager/DPO/HNPCN Lead PM/non conflicted GP member/PN.
- 6.4 The decision to apply qualified exemptions will not be taken by individual members of staff but by a constituted group of at least three of the following: CD/executive manager/DPO/HNPCN Lead PM/non conflicted GP member/PN. Even if the group decides information should not be disclosed, a public interest test must be carried out when applying qualified exemptions, to decide whether the public interest in disclosure outweighs the objection to disclosure. If it does the information must be disclosed.
- 6.5 Advice will be sought from HNPCN DPO if there is any doubt as to whether information should be disclosed.

7 Logging Requests Received

- 7.1 HNPCN will keep a record of all requests received for monitoring purposes, noting:
 - a) the date the request was received,
 - b) name and contact details of the person or organisation making

- the request,
- c) the date the request was fulfilled or refused,
- d) the reason for any exemption being applied,
- e) the reason for any failure to meet the 20 day deadline.

8 This policy should be included in all member practices ***Staff Handbook***.