

<b>Standard Operating Procedure (SOP)</b> <b>Freedom of Information Act Requests Procedure</b>	
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<b>Service</b>	<b>Leeds GP Confederation</b> Corporate services General Practice Access Fund Services Locality-based primary care services hosted by the Leeds GP Confederation on behalf of Primary Care Networks
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## **1. PURPOSE**

- 1.1** The Freedom of Information Act 2000 (FOI) is part of the Government's commitment to greater openness in the public sector, a commitment that is supported by Leeds General Practice Confederation (the Confederation). The Act will further this aim by helping to transform the culture of the public sector to one of greater openness. It will enable members of the public and other groups to question the decisions of public authorities more closely and ensuring that the services we provide are efficiently and properly delivered.
- 1.2** The Confederation has a legal duty to comply with requests for information that it holds. It is a legal requirement that all requests for information held by the Confederation are handled in accordance with the Freedom of Information Act 2000 (FOI).
- 1.3** This Standard Operating Procedure (SOP) defines a process for achieving legislative requirements and ensuring effective and consistent management of such requests.

This document sets out:

- good administrative practice to ensure that the Confederation's Publication Scheme is up-to- date and accessible
- good administrative practice for the Confederation when handling requests for information
- outlines the main areas of responsibility for freedom of information matters in the Confederation

## **2. SCOPE**

- 2.1** This procedure covers access to information held by the Confederation from an individual via a Freedom of Information (FOI) request as outlined in the FOI Act 2000.
- 2.2** Requests for personal data are outside the scope of this procedure and follow a separate process.

## **3. DEFINITIONS**

### **3.1 Environmental Information**

This includes information about this such as land development, pollution levels, energy production, and waste management. Sometimes information might not seem to be obviously environmental but could still fall under the definition. For example, financial information would be classed as environmental information if it related to the costs of redeveloping land and building a new leisure complex.

## **3.2 Exemption**

Whilst the Freedom of Information Act provides for the right of access to information held, it also affords a number of exemptions from this right in order to permit public authorities to withhold some or all of the information requested where a justifiable reason exists. The exemptions fall into two categories:

- Absolute exemptions - there is no right of access under the FOI Act
- Qualified exemptions - consideration needs to be given whether to disclose or withhold information

## **3.3 Redaction**

Redaction is the process of blocking selected information within a record to make it unavailable to be viewed by the recipient.

# **4. RESPONSIBILITIES**

## **4.1 Chief Executive**

The Chief Executive is ultimately responsible for ensuring implementation of the Act within the Confederation. They will also act as the Confederation's appropriate "qualified person" in relation to the citing of section 36 of the Act (prejudice to the effective conduct of public affairs).

## **4.2 Freedom of Information Officer**

The person responsible for managing the process for legislative compliance will be the Head of Governance, they will:

- Be the primary contact for freedom of information matters
- Log FOI requests
- Send response communications to applicants - initial and final
- Liaise with and advise applicants as necessary
- Contact the Confederation departments to obtain the requested information
- Make initial decisions on whether information can be released taking into account certain exemptions and conditions of the Act
- Decides where necessary to discuss more complex requests with the responsible managers in the department who the request relates to
- Makes arrangements to conduct formal review process to re-evaluate a request where the applicant is dissatisfied with a response
- Ensure the freedom of information publication scheme is kept up to date and meets with standards as advised by the Information Commissioner's Office

### **4.3 The Quality, Performance and Performance Committee**

- Will discuss and decide actions where necessary on issues relating to processing freedom of information requests
- Will discuss and decide actions where necessary on issues relating to the operation and maintenance of the FOI publication scheme
- Will review and authorise any changes to the FOI procedure

### **4.4 All Directors/Heads of Service/Managers**

- Must ensure that staff are aware of the responsibilities under the Freedom of information Act 2000
- Must ensure staff are appropriately trained
- Are required to meet with the FOI Officer to deliberate on complex FOI requests where the request relates to their department, speciality or particular level of expertise

### **4.5 All the Confederation staff**

- Must be aware of their the duties and obligations under FOI
- Be required to take relevant training appropriate to their role
- Maintain record systems to the standard outlined in the Records Management Policy
- Provide relevant information when requested to by the Information Governance team within set timescales
- Forward as soon as possible an FOI request to the Information Governance Team when a request is received by them

## **5. FREEDOM OF INFORMATION PUBLICATION SCHEME**

The Confederation is required to publish and maintain a Publication Scheme in line with a structure approved by the Information Commissioner. The Confederation's Publication Scheme is a guide to the information routinely published by the Confederation.

The aims and objectives of the Publication Scheme are featured on the Confederation's website.

The FOI Officer (Head of Development and Governance) will review the Publication Scheme on a regular basis for accuracy of information and content.

## 6. RECEIVING AND LOGGING OF REQUESTS

### 6.1 What constitutes a FOI request

To be classed as a FOI request the request must have the following components:

- i) It is a communication that is in writing  
This will include communications by electronic means such as by e-mail or an electronic application form
- ii) The communication states an address for correspondence  
For email correspondence where the requested information can be transferred electronically then an e-mail address will suffice
- iii) The communication describes the information requested  
The Confederation is able to clearly identify what information is required.  
Where it cannot the Confederation should seek clarification from the applicant (see section 4.6 Insufficient information provided to fulfil request
- iv) The request will require consideration whether information can be released  
(See below for requests not requiring consideration)

The request does not need to mention the Freedom of Information Act 2000. There is also no need for the applicant to give a reason for why the information is required.

The above will be logged by the FOI Officer.

Requests asking for environmental information (see section 4.6 and appendix 5) will be logged but processed under the Environmental Information Regulations 2004. They will be still dealt with by the FOI Officer.

### 6.2 When a request for information will not be logged on the FOI database

Ultimately every request for information that is received by the Confederation that meets the criteria above could be classed initially as freedom of information request. The Confederation, however, will not log all requests for information on the FOI database. Where requests are logged as a FOI they will then conform to the detailed conditions set out in the Act for processing of requests e.g. 20 day deadline, appropriate citing explanations of FOI exemptions etc.

The following will not be logged as FOI requests:

	Type of request/information required	How dealt with
1.	Provision of information leaflets and other reference material approved by the Confederation	Information to be provided by relevant department/person
2.	The request is classed as a "normal business purposes" e.g.	Processed as normal by relevant department/person

	<ul style="list-style-type: none"> <li>the Confederation information manager receives monthly request from local acute Confederation for statistical data relating to waiting list activity</li> <li>PALS manager been asked by a patient for locations and times of a the Confederation service</li> </ul>	
3.	Person requesting information from the Confederation after being referred to a the Confederation telephone number or address by the Confederation publicity material, e.g. poster, publication scheme, leaflet	Information to be provided by relevant department/person
4.	Information available through the Confederation's publication scheme	Information Governance Team or relevant trust department
5.	An individual (or their representative) requesting their own personal records	Processed under the Information Rights and SAR Procedure
6.	Deceased patient records by those who are authorised to make such a request	Processed under the Information Rights and SAR Procedure

### 6.3 Written requests received by staff

All written freedom of information requests must be forwarded to the FOI officer within one working day of them been received at the Confederation. This can be by e-mail (if applicable), or in person or if this is not possible, telephone contact with the FOI Officer within one working day is acceptable.

If the staff member who has received the request holds some or all of the information requested, he or she will advise the FOI Officer of this when passing on the request. Where staff are unsure if a request for information needs to be logged as a FOI request they must contact the FOI Officer for advice.

### 6.4 Written requests for environmental information (EIR)

### 6.5 Publication Scheme request

Where the request, either written or verbal, relates to information held within the Publication Scheme, the FOI Officer will contact the applicant to establish the best means by which the applicant can obtain the information - this may be by providing the appropriate link to the website if the applicant has internet access, or where the information is not available online a hard copy from the FOI Officer. The FOI officer will advise the applicant of any charges that will apply.

Where a written request has been received, but the applicant has not described the sought information in a way that would enable the Confederation to identify or locate it, the FOI Officer will contact the applicant as soon as possible (preferably by phone

or e-mail) to provide assistance to enable them to describe more clearly the information requested.

The purpose of this contact will be to clarify the nature of the information sought, not to determine the aims or motivation of the applicant.

## **6.6 Receiving a verbal request for information**

Where a verbal request for information is made to a member of staff (and is not a request described 4.2). The staff member will ask the applicant to put their request in writing to the FOI Officer.

If the staff member is aware that the information is on the Confederation's website, accessible by other means, or have not yet been published - they should inform the person how to access that information or when it may be available. In the event that the applicant does not have access to the internet. The staff member should be informed of where the public can access the internet (e.g. visit a library, internet cafe). Where the applicant still may have difficulty in accessing the internet, the FOI Officer will ask the applicant to put the request in writing. Where the applicant may have difficulty in framing a request the FOI Officer will assist the applicant as outlined in section 4.10.

## **6.7 Receiving verbal requests – Environmental Information**

Where a verbal request relates to environmental information (see definition at appendix 5), this is a valid request under the Environmental Information Regulations where requests do not exclusively have to be in writing. A staff member should note:

- The name of the applicant
- The date
- The information required
- An address for correspondence

They should then forward this to the FOI Officer. The request will be logged initially as a FOI request but then processed under the Environmental Information Regulations 2004.

## **6.8 Assisting applicants who may have difficulty in making written requests**

Where a potential applicant is unable to frame or has difficulty in putting their request in writing, staff must take reasonable steps to ensure that appropriate assistance is given to enable that individual to make a request for information, they can:

- Advise the person that another person (including the Confederation staff) or agency (such as a Citizens Advice Bureau or other provider of information, advice or advocacy) may be able to assist them with the application, or make the application on their behalf



Staff can alternatively take details from the applicant such as: the name and contact details of the applicant, and the information that is required. Requests must be passed to the FOI Officer within one working day.

Where staff receive a request (that will need or potentially need logging as a FOI request) they must not process it themselves or make alternative arrangements to process it e.g. pass onto another department or Trust for them to deal with. They must always consult with the FOI Officer first before any such arrangements are finalised or agreed.

## **6.9 Logging a request**

The FOI Officer will log the request on the FOI database within one day following the day of receipt.

The date that will be logged will be the date that communication was first received at the Confederation.

## **6.10 Notification of a request**

The FOI Officer will notify the Communications team, the relevant responsible Service Managers when a new FOI request is logged. The text of the question will be circulated.

# **7. INITIAL ASSESSMENT AND RESPONSE**

## **7.1 Initial response**

The FOI Officer will make an initial assessment of the request to see if the request can be processed immediately – in particular if any of the following exemptions apply:

- The request is for personal/patient identifiable information either by the individual themselves or another person/organisation
- The information is available by other means
- Is information that is prohibited from disclosure
  
- It is known the information is held by another organisation (see transferring information)
- It is known at this stage that the Confederation does not hold the information (this may involve advising the applicant of other routes where the information may be located)
- If the FOI Officer has evidence to demonstrate that the request is vexatious

or repeated as defined under section 14 of the Act, the Procedure for Refusal of a Request will be followed

The FOI Officer will write to the applicant informing them of the reason/exemption for not supplying the information with suitable advice for locating information where appropriate. A the Confederation FOI information sheet should be attached which includes details of the Confederation's FOI review process.

The FOI Officer may be of the opinion at this stage the requested information may be subject to an exemption or condition that restricts the release but requires further assessment (see section 8).

## **7.2 Duty to confirm or deny**

For the majority of FOI requests by releasing information, refusing to release information, or transferring a request the Confederation will be complying with the obligation in the Act to confirm or deny whether it holds the requested information. In these instances it has been made obvious to the applicant whether the Confederation holds or does not hold the requested information. In exceptional cases the duty to confirm or deny to will not arise. If that is the case the FOI Officer will write to the applicant informing them of this fact i.e. the Confederation is not able to confirm or deny whether it holds the requested information. Decisions on whether the Confederation needs to fulfil the duty to confirm or deny will be the same as the process outlined in section 8.

## **7.3 Sending an acknowledgement**

If none of the above apply the FOI Officer will write (e-mail if appropriate) within 2 working days of the request been received to the applicant informing them that the request is being processed.

## **7.4 Appropriate Limit**

Where on discussion between the FOI Officer and the likely holders of the information it is decided that the estimated cost of processing the request for information exceeds the appropriate limit set by the Fees Regulations they will immediately notify the applicant in writing that the appropriate limit has been exceeded. The FOI Officer will consult with applicant to see if the costs of providing information can be brought below the appropriate limit.

## **8. LOCATING THE INFORMATION**

The FOI Officer will identify the likely holder(s) of the information that has been requested and make contact with the most appropriate person(s), within 2 working days of having personally received the request. The likely holders of the information will be asked if they foresee any reason that the information should not be released or if there may be difficulty in collating the information either through standard communication (e.g. email) or verbally.

Following contact by the FOI Officer, the likely holders of the information will have

10 working days to locate and provide the requested information to the FOI Officer. If it is not possible to meet this deadline the FOI Officer must be informed immediately giving the reason.

Where information has not yet be provided the likely holder of the information will be reminded after 10 working days following receipt of the request and again at 15 working days following receipt of the request if the information is still not forth coming.

The requested information must be sent to the FOI Officer before it is dispatched. The FOI Officer will inspect the completed information to check:

- That no exemption or conditions that may restrict information may apply – if applicable the refusal procedure will follow
- That the information provided adequately meets the requirements of the applicant's request – where it does not the FOI Officer will liaise with the holders of the information to ensure that it does

If following a thorough search, it is established that the Confederation does not hold any, or part of, the information that the applicant has requested, the FOI Officer will advise the applicant of that fact within 20 working days following receipt of the request by the Confederation. The FOI Officer will offer advice and assistance if possible to the applicant to where they may be able to obtain the information (see also section 6.2).

In the event that the FOI Officer becomes aware that the 20 day deadline will not be met, he will notify the relevant Executive Director and they will decide on a course of action, keeping the applicant informed and endeavouring to comply with the request as quickly as possible.

## **8.1 Issuing of fees notice**

If fees are payable the applicant will be issued with a Fees Notice. The FOI Officer with contact with the Finance department in order that an invoice can be raised. The fees notice will state the amount to be charged and the reasons for the fees (see fees statement at Appendix 3).

## **8.2 Transferring Requests for Information**

If the FOI Officer believes that some or all of the information requested is held by another public authority, they will

- Contact the applicant and informing them that some of the information requested may be held by another public authority
- Advise the applicant re-applies to the authority which the Confederation believes to hold the information and provide the applicant with contact details (if available) for that authority

### **8.3 Consultation with third parties**

Information could be requested that may carry a duty of confidence, i.e., was provided to the Confederation by a person (in this case person may be an individual, company, local authority or any other legal entity) with the expectation that the information would only be disclosed in accordance with the wishes of that person. Where disclosure of the information may give rise to an actionable breach of confidence, the Confederation in considering release of the information may wish to consult with the third party and seek their views. The Confederation may also contact a third party and gauge their views on possible release of information where the release of information may have an adverse effect on the third party.

A record will be made by The FOI Officer where contact is made with third parties.

## **9. PROVISION OF INFORMATION**

Where information is suitable for release and any fees charged have been received, the information will be provided to applicants by any one or more of the following means:

- A copy of the information in permanent form or another form acceptable to the applicant:
- Through the provision of a reasonable opportunity to inspect a record containing the information

The FOI Officer will consider any stated preferences or means of providing information to an applicant, and whether it is practicable to do so. They additionally will take into account statutory obligations as outlined in the Equalities Act 2010.

The final response will include an information sheet outlining the Confederation's review process for FOI requests. Where applicable a sheet outlining conditions for re-use of public sector information will also be included.

Responses sent via royal mail must be sent by recorded delivery.

## **10. FURTHER ASSESSMENT**

Certain requests will need further assessment. This is where exemptions or conditions may be applicable in restricting release of information and will need to be considered. Where appropriate a panel will deliberate over complex cases. This will be coordinated by the FOI Officer and include relevant managers/directors/clinicians according to their departmental responsibility or specialist knowledge or expertise.

It may be decided that further advice may be sought. This may be from various sources such as:

- Other NHS Organisations
- Clinical Commissioning Groups
- Information Commissioners Office

- Regional Information Governance forum/committee
- Legal advice

The FOI Officer will co-ordinate the obtaining of this advice.

Where considering an exemption that will involve undertaking a public interest test and it is felt that it will take more than 20 working days from receipt of the request to reach a decision as to whether any part of the requested information is exempt, the FOI Officer will notify the applicant immediately. The FOI Officer will inform the applicant that they are considering a qualified exemption and that a decision will not be reached within the 20 day deadline. An estimate of the date that it is expected that a decision will have been reached will be included in the response.

Estimates should be realistic and reasonable, and compliance with the statutory timescales should always be the norm except where extenuating circumstances apply. If an estimate is exceeded, the FOI Officer will write to notify the applicant of the reason(s) for the delay and to offer an apology.

## **11. REFUSALS**

If a request for information is refused due to any exemptions and conditions as laid out in the Act, the applicant will be informed in writing (including by electronic means) by the FOI Officer detailing the :

- Exemption and, if it not otherwise apparent, the reason why the exemption applies. Where a public interest test has been carried out because a qualified exemption has been considered, the reasoning behind the decision not to release the information.

Or

- The condition that restricts the release of information

The FOI Officer will draft a response. Final responses where information has been refused, the response will be inspected by the appropriate staff member such as Head of Service, Executive Director or responsible Lead.

Where the reason for refusal is because the request is repeated or vexatious, and a letter has already been issued to the applicant stating that fact, further notification of that fact is not required.

A Confederation information sheet should be attached which includes details of the Confederation's FOI complaint procedure.

### **11.1 Redaction of information**

Where part of the requested information is considered exempt from release, that information can be redacted. The FOI Officer will inform the applicant in the

response that redaction(s) have taken place and cite the relevant exemption, and the reasoning for doing so if not obviously clear.

Where there is so much information that needs redacting that it makes a document nonsensical then the entire document can be withheld.

Information should not be redacted without consultation with the FOI Officer.

## **12. FINAL CHECK**

The FOI Officer will ensure that responses are checked where necessary by the appropriate person in a Directorate such as Executive Director, Head of Service or person who has responsibility for a particular service or speciality. Some responses that are of a routine nature or for basic information may not need a final check. The FOI Officer will decide where this applies.

## **13. COMPLETION**

The FOI Officer will log the outcome of the request.

## **14. MONITORING AND REVIEW**

An audit of this procedure will be supported and informed by analysis of breaches of confidentiality and complaints from the public.

This procedure will be reviewed in June 2019 by the Information Governance Group. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation.

## **15. TRAINING NEEDS**

**15.1** Refer to the Statutory and Mandatory Training Policy including Training Needs Analysis. Up to date information is available on the Intranet for course details.

**15.2** Awareness and access to this procedure will form part of staff induction, and awareness will be raised with existing staff, including when changes have been made via the Confederations intranet.

**15.3** The IG Team will provide training sessions to all staff that managing requests.

## **16. REFERENCES**

Information Governance Policy & Framework  
Information Handling Policy  
Data Protection Policy

[Data Protection Act 2018](#)

[Disability and Discrimination Act 2005 \(c13\) HMSO](#)

[Environmental Information Regulations 2004 – Environmental Information Regulations Guidance](#)

[Freedom of Information Act 2000 \(c36\) HMSO](#)

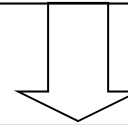


**APPENDIX 1**  
**KEY DEADLINES**



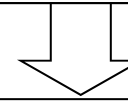
Day 1 the day following receipt of request

20 DAY WORKING DEADLINE STARTS

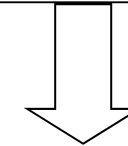


By Day 2

ACKNOWLEDGEMENT AND DEPARTMENT CONTACTED AND CIRCULATED TO COMMS, HEADS OF BUSINESS UNITS

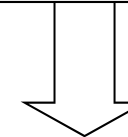


CONFIRM THAT CORRECT DEPARTMENT IS PROVIDING INFORMATION



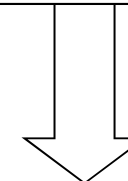
By Day 10

REMINDER SENT IF INFORMATION HAS NOT YET BEEN RECEIVED



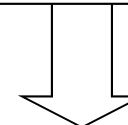
By Day 15

INFORMATION PROVIDED SHOULD BE PROVIDED BY THIS DATE



By Day 18

2ND REMINDER (IF INFORMATION HAS NOT BEEN PROVIDED)



By Day 20

INFORMATION SUPPLIED TO APPLICANT

## **APPENDIX 2**

### **EXEMPT INFORMATION UNDER PART II OF THE FREEDOM OF INFORMATION ACT 2000**

- a) **Absolute**, which does not require a test of prejudice or the balance of public interest to be in favour of non-disclosure
- b) **Qualified** by the public interest test, which require the public body to decide whether it is in the balance of public interest to not disclosure information.

With the exemption of section 21 (information available by other means) 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 (of the Act)</b>	<b>Exemption</b>
21	Information accessible to applicant by other means
23	Information supplied by, or relating to, bodies dealing with security matters.
32	Court Records
34	Parliamentary Privilege.
36	Prejudice to effective conduct of public affairs (so far as relating to information held by the House of Commons or the House of Lords)
40	Personal Information (where disclosure may contravene the Data Protection Act 2018), see section of the policy
41	Information provided in confidence (see section of the policy)
44	Prohibitions on disclosure

The **Qualified** exemptions (which require the public interest test) are:

<b>Section (of the Act)</b>	<b>Exemption</b>
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22	Information intended for future publication
24	National Security
26	Defence
27	International Relations
28	Relations within the United Kingdom
29	The Economy
30	Investigations and proceedings conducted by public authorities
31	Law enforcement
33	Audit Functions
35	Formation of Government Policy
36	Prejudice to effective conduct of public affairs (for all public authorities except the House of Commons and the House of Lords)
37	Communications with Her Majesty, etc. and honours
38	Health and Safety
39	Environmental Information
42	Legal Professional Privilege
43	Commercial Interests

## **APPENDIX 3**

### **Fee Statement**

The Confederation recognises its responsibility as a Public Body to conduct its business in an open and transparent manner. Wherever possible, the Confederation will proactively make readily accessible to the public, information which is considered to be of particular interest through its website, the media, leaflets, prospectus etc.

This approach will therefore satisfy much of our public's interest in our role and activity. Where information is required which is of a detailed or specific nature and has not been published by the Confederation then a specific request through the freedom of information process will ensure a response. In the majority of cases the information will be reported back to the person making the request at no charge to themselves.

The charging policy is intended only to cover requests which require quite intensive resources in order to prepare and process a response.

The following statement is based on guidance given in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

Charges relate to whether costs exceed or fall under the appropriate limit.

#### **The Appropriate Limit**

The appropriate limit is set at £450 for Public Authority Bodies (NHS organisations).

The appropriate limit is the point at which the Confederation can refuse to process a request due to excessive costs and staff time.

Costs are calculated on the amount of time staff would take in:

- Determining whether the Confederation holds the information requested,
- Locating the information or documents containing the information
- Retrieving such information or documents, and
- Extracting the information from the documents containing it

The rate for staff time is calculated at £25 per hour. For example, where it is estimated that it would take 18 hours of staff time in providing the information, this would work out at £450 and would have reached the appropriate limit.

#### **1. Requests for information that are estimated to fall below the appropriate limit**

Where the estimated costs fall beneath the appropriate limit which the majority of cases should, the Confederation **may** charge for the following when providing that information:

- Postage
- Printing and photocopying
- Scanning

The cost of photocopying and printing will be set in most cases at no more than 20 pence a sheet.

The Confederation will **not charge** for any labour costs i.e. staff time spent undertaking tasks as detailed above in section headed “The Appropriate Limit”.

## **2. Requests for information estimated to cost more than the appropriate limit**

The Confederation will deal with these on a case by case basis in which it will decide either to:

- Refuse to process the actual request
- Proceed with the request and charge the full amount i.e. £25 an hour plus postage and photocopying costs
- Contact the applicant to see if it is possible to reduce the amount of information required or summaries it sufficiently to reduce the costs under the appropriate limit

## APPENDIX 4

### FREEDOM OF INFORMATION REVIEW PROCESS

1. This procedure will deal with complaints arising from the Confederations obligations under the Freedom of Information (FOI) Act in respect of maintenance of the publication scheme, and handling of requests for information.
2. the Confederation's publication scheme will notify individuals about who they should complain to about the maintenance of the scheme and inform individuals of their right to complain to the Information Commissioner's Office.
3. When communicating any decision made in relation to a request under the Act's general right of access, the Confederation will notify the applicant of their right of complaint. They should be informed of the Confederation's review process for dealing with issues relating the publication scheme or handling of requests. They should also be informed of the right to complain to the Information Commissioner.
4. Any written communication (including one transmitted by electronic means) expressing dissatisfaction with a the Confederation response to a valid request for information, or operation of the publication scheme will be classed as a complaint.
5. Complaints should be handled by the FOI officer
6. The FOI officer will acknowledge receipt and completion of the complaint.
7. The FOI officer will initially inspect the letter of complaint and may liaise with the relevant staff member where the information was held to decide if the original response was incorrect. Where it is still decides that the original decision was correct a formal review process will be instigated.
8. The applicant will be informed:
  - That review process is taking place
  - The intended date that the review process will be completed and a response sent
9. The review process should be completed within 20 days of the letter of complaint. Where the intended date of the review cannot be met, the applicant must be informed as to the delay and be given a new date for completion.
10. The review will be carried out ideally by a staff member at Director level (and no lower than Head of Service) who has no previous involvement in the original request. Ideally this will be the Caldicott Guardian and where they cannot conduct the review the Deputy Medial Director will conduct the review. They will base their decision on receipt of relevant information and guidance relating to the case. They will liaise with the person who made the original decision who must provide their reasoning for coming to their decision.

12. Where the outcome of the complaint is that information should be disclosed which was previously withheld, the information in question should be disclosed as soon as practicable and the applicant be informed as how soon this will be.
13. Where the outcome of a complaint is that procedures within the Confederation have not been properly followed by the Confederation staff the Confederation will apologise to the applicant and take appropriate steps to prevent similar errors in future.
14. Where the outcome of a complaint is that the initial decision was correct or is otherwise in the Confederation's favour, the applicant should be informed of the decision and also of their right to apply to the Information Commissioner (contact details below):

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

Telephone: 0303 123 1113

15. The letter outlining the outcome of the review will be signed by the Director who has conducted the review process.

## **APPENDIX 5**

### **DEFINITION OF ENVIRONMENTAL INFORMATION**

Any information in written, visual, aural, electronic or any other material form on –

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

(d) report on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).