

## **The Oaklands Practice – FOI Policy**

### **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 Oaklands Practice supports the principle that openness should be the norm in public life.

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

### **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 Oaklands Practice**

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

#### *Publication Scheme*

- a) The Oaklands Practice will maintain a publication scheme (based on the Information Commissioner's Model Publication Scheme 2009) 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.
- b) The publication scheme will be reviewed annually.

## *Requests for information*

- a) Requests for information may be received centrally via [foi.oaklands@nhs.net](mailto:foi.oaklands@nhs.net) or directly by any person within the Oaklands Practice.
- b) Any person who makes a valid request for information under the terms of the Act will be informed whether the Oaklands Practice holds that information.
- c) The Oaklands Practice will provide all or part of the information requested unless an exemption applies.
- d) The Oaklands Practice will provide reasonable advice and assistance to applicants and prospective applicants.
- e) The Oaklands Practice 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 Oaklands Practice.
- g) The Oaklands Practice 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 Oaklands Practice.
- 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 Oaklands Practice.
- j) Where no fee is received within three months of a fee request, the Oaklands Practice will not comply with the request for information.
- k) Whenever possible, the Oaklands Practice will provide the information in the manner requested by the applicant.
- l) The Oaklands Practice may choose not to release the information if an exemption applies. Where an exemption does apply, but the Oaklands Practice chooses to release the information in the public interest, it will disclose within a reasonable time.
- m) If the Oaklands Practice considers it has grounds not to release the information requested, it will issue a Refusal Notice giving reasons for its decision.
- n) The Oaklands Practice will keep a record of every request that has been refused, and the reason(s) for that refusal.
- o) 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.
- p) All requests for information should be forwarded directly to the FOI lead.

## *Fees*

- a) The Oaklands Practice will not generally charge for information that is published in its publication scheme.
- b) The Oaklands Practice will estimate the cost of complying with each request for information. When estimating the cost of compliance, the Oaklands Practice will take account of the cost of determining whether the Oaklands Practice 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 Oaklands Practice 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 Oaklands Practice 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 Oaklands Practice will log all requests for information to help identify vexatious or repeated requests.

## *Complaints*

- a) The Oaklands Practice 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 Oaklands Practice will inform applicants of these rights as part of its response to a request for information.
- f) The Oaklands Practice 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.