

FREEDOM OF INFORMATION

The following policy sets out a possible approach to the Freedom of Information (FOI) Act 2000 by a practice.

1.1 INTRODUCTION

The Freedom of Information (FOI) Act was passed in 2000 and replaced the Open Government Code of Practice that has been in place since 1994. The Act gives the public a general right of access to all types of recorded information held by public authorities. The Act came into full effect on the 1st January 2005.

The Act places a statutory obligation on all public bodies to publish details of *all* recorded information that they hold and to allow, with a few exceptions, the general public to have access to this information on request.

The practice recognises the importance of the Act and it will ensure that appropriate systems are put in place to publicise what recorded information is kept by the practice and how this information can be accessed on request by the general public.

1.0 The FOI Act

The main features of the Act are:

- a general right of access to information held by public authorities
- exemptions from the duty to provide information
- a requirement on public authorities to exercise discretion; they may have to disclose information even when exempt under the Act (the 'public interest test')
- arrangements in respect of costs and fees
- a duty on public authorities to adopt publication schemes
- arrangements for enforcement and appeal
- a duty to provide advice and assistance to people who wish to make, or have made requests for information
- Codes of Practice

The UK legislation is wholly retrospective and applies to all information held by public authorities regardless of its date.

The Act is overseen by the Information Commissioner, who will have the power to issue enforcement notices and, if needs be, initiate court proceedings to ensure compliance.

The practice recognises its corporate responsibility under the Act to provide the general right of access to information held. The overall responsibility for this policy is with Dr K Wilson Information Governance/FOI Lead

2.0 Employee Responsibilities

All employees will, through appropriate training and responsible management:

- observe all forms of guidance, codes of practice and procedures about the storage, closure, retention and disposal of documents and records
- be aware that ultimately the general public may have access to any piece of information held within the practice and must pay due regard to how they record information as part of their normal duties
- on receipt of an information request immediately notify the IG/FOI lead
- provide information promptly when requested from the IG/FOI lead
- understand that breaches of this Policy may result in disciplinary action, including dismissal

3.0 Organisation Responsibilities

The practice will:

- Comply with the FOI Act and sees it as an opportunity to enhance public trust and confidence in the practice.
- Ensure that there is always one person with overall responsibility for FOI. Currently this person is Dr K Wilson.
- Maintain a comprehensive 'Publication Scheme' that provides information which is readily accessible without the need for a formal FOI Act request.
- Seek to satisfy all FOI Act requests promptly and within 20 working days. However, if necessary we will extend this timescale to give full consideration to a public interest test. If we do not expect to meet the deadline, we will inform the requester as soon as possible of the reasons for the delay and when we expect to have made a decision.
- Continue to protect the personal data entrusted to us, by disclosing it only in accordance with the Data Protection Act 2018.
- Provide advice and assistance to requesters to facilitate their use of FOI Act. We will publish our procedures and assist requesters to clarify their requests so that they can obtain the information that they require.
- Work with the Clinical Commissioning Group, NHS England, the local Area Team and other bodies with whom we work to ensure that we can meet our FOI Act obligations, including the disclosure of any information that they hold on our behalf.
- Apply the exemptions provided in the FOI Act and, where qualified exemptions exist, the practice will disclose the information unless the balance of public interest lies in withholding it.
- Consult with third parties before disclosing information that could affect their rights and interests. However, according to the FOI Act, the practice must take the final decision on disclosure.
- Charge for information requests in line with the FOI Act fees regulations or other applicable regulations, including the Data Protection Act 2018.
- Record all FOI Act requests and our responses and will monitor our performance in handling requests and complaints.
- Ensure that all staff are aware of their obligations under FOI Act and will include FOI Act education in the induction of all new staff.

References

www.firstpracticemanagement.co.uk/knowledge-base/general-administration/freedom-of-information-act/

[Gov.uk](http://gov.uk) - Freedom of Information Act 2000

[ICO Model Publication Scheme info](#)

The ICO model Publication Scheme Template for General Practitioners is reproduced below for information >>

