



East Riding of Yorkshire
Clinical Commissioning Group

Freedom of Information (FOI) Quarter Four and Year End Report

NHS East Riding of Yorkshire
Clinical Commissioning Group (CCG)

Quarter Four 2021/2022 covering the period:
1 January to 31 March 2022
Annual: 1 April 2021 to 31 March 2022

Freedom of Information Delivery Manager

INTRODUCTION –

This report provides the Quarter Four position for requests received by NHS East Riding of Yorkshire Clinical Commissioning Group (CCG) under the Freedom of Information Act 2000 (FOIA) during the period: 1 January to 31 March 2022, a comparison against the previous quarter and the same period in 2020/2021. It also provides the Year End 2021/2022 position with a comparison to 2020/2021 Year End.

Volume of Requests and Timeliness of Responses

	Quarter 4 2020/21	Quarter 1 2021/22	Quarter 2 2021/22	Quarter 3 2021/22	Quarter 4 2021/22	Year End Comparison	
	Jan - Mar	Apr – Jun	Jul – Sep	Oct– Dec	Jan - Mar	2020/21	2021/22
Requests Received							
Total number of FOI requests received:	51	51	58	50	56	195	215
Total Number of FOI Processed	50*	51	58	48*	56	193*	213*
Number processed within 20 working days	50*	51	58	48*	56	193*	213*
Percentage FOI processed within 20 working days	100%	100%	100%	100%	100%	100%	100%
Average time taken to process (days)	14	14	14	13	13	14	14

* Request closed at the requester's instruction.

During Quarter Four 2021/2022; 56 requests were processed compared to 48 processed in Quarter Three. This equates to an increase of 14.3% in the number of FOI requests processed compared to Quarter Three, however the average number of days to process the requests remained at 13 days during the quarter.

Against the same period in 2020/2021 there was a 12% increase in the number processed, however the average number of days to process the requests decreased to 13 Days. All the requests processed during the Quarter were completed within the statutory 20 working day deadline.

The Year End position as at 31 March 2022 against the previous Year 2021, showed a 10.4% increase in the total number of requests processed, and the average number of days taken to process them remained the same at 14 days, indicating that all the requests processed in year 2021/2022 were all completed well within the statutory 20 working day deadline.

Subject Area of Request

The CCG receives a variety of FOI requests on various topics and in some cases they contain multiple questions for various types of information. They are diverse and singular, however, the predominant subject areas in Quarter Four were: Workforce/Staff with 5 requests followed by Continuing Health Care, Primary Care and IT Services/ Systems with 4 requests each also proving popular topics.

Over the full year the predominant subject areas were Mental Health with 17 requests, Continuing Health Care and Primary Care with 16 each, followed by IT Services/ Systems with 12 requests.

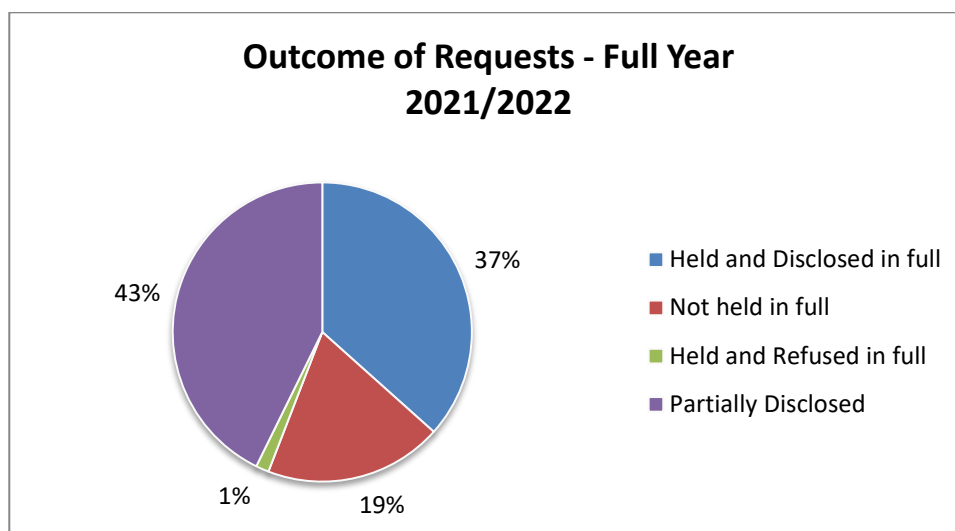
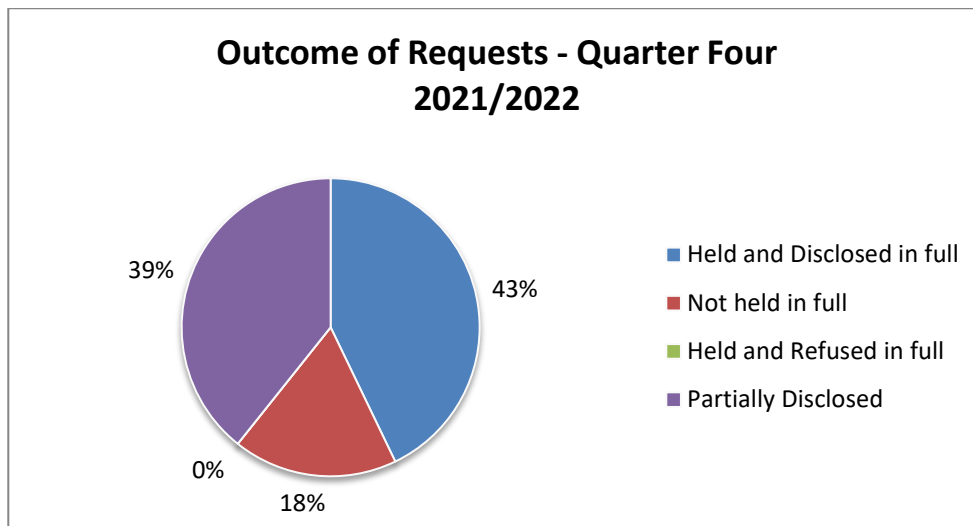
For a full illustration of the various topics for Quarter Four and the Full Year, please see **Appendix One**.

Outcome of Requests Processed

The outcome of the processed requests by Quarter is illustrated below:

	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Year
Information Held and Disclosed in Full	20 (39%)	18 (31%)	16 (33%)	24 (43%)	78 (37%)
Information Not Held by CCG	10 (20%)	12 (21%)	9 (19%)	10 (18%)	41 (19%)
Information Held and Refused in Full – Exempt	1 (2%)	1 (2%)	1 (2%)	0	3 (1%)
Partially Disclosed as Not Held or an Exemption applied	20 (39%)	27 (46%)	22 (46%)	22 (39%)	91 (43%)
Total Number of Requests	51	58	48	56	213

The following charts display the proportion of requests by outcome for Quarter Four and the Full Year 2021/2022.



During Quarter Four - 2021/2022, of the 56 requests processed; 10 (18%) sought information that was not held by the CCG. 24 (43%) received information in full, 22 (39%) received part of the information requested as the remainder was either not held by the CCG or withheld as one or more exemptions applied to the request and 0 were withheld in full as an exemption applied. In total 12 (21%) of the requests had one or more exemptions applied. (14 Exemptions were applied)

For the Full Year: of the 213 requests processed; 41 (19%) sought information that was not held by the CCG. 78 (37%) received information in full, 91 (43%) received part of the information requested as the remainder was either not held by the CCG or withheld as one or more exemptions applied and 3 (1%) was withheld in full as an exemption applied. In total 39 (18%) of the requests had an exemption applied. (One request can have multiple exemptions applied within the response.)

During Quarter Four; the most commonly applied exemptions were Section 40 with 9 instances, followed by Section 21 with 4. The most common for the Full Year were also Section 40 with 16 instances, followed by Section 21 with 15 and Section 12 with 7, which demonstrates the CCG is able to apply the FOIA exemptions with regard to Data

Protection and FOI Legislation whilst providing reasonable and appropriate assistance with regard to information that is already available by other means.

The following table illustrates the number of instances information was not disclosed and the exemptions applied during each quarter and the full year.

Number of instances Exemptions were applied

Exemption / Reason for Refusal	Quarter 1	Quarter 2	Quarter 3	Quarter 4	2021/2022
12 - Cost of compliance	2	2	2	1	7
14 - Repeat Request	0	1	0	0	1
21 - Accessible by other means	4	1	6	4	15
22 - Future Publication	1	0	0	0	1
31 - Law Enforcement	1	2	1	0	4
40 – Personal Data	0	5	2	9	16
Total	8	11	11*	14*	44*
Partially Disclosed as Not Held	13	17	16	13	59
	21	28	27*	27*	103*

*One request can have multiple exemptions applied within the response.

The CCG has a duty under Section 16 to provide advice and assistance to individuals making requests for information under FOIA. In instances where the CCG does not hold the information requested or when information is accessible by other means, the CCG will advise applicants as to which organisation may hold the information. The table below shows which organisation(s) were highlighted as sources of information and on how many occasions during each quarter and the Full Year.

2021/2022	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
NHS-Acute	5	2	3	6	16
NHS-Mental Health	4	7	5	4	20
NHS Other	3	0	2	2	7
NHSEI	2	3	4	1	10
GPs	1	2	3	1	7
Local Authority	3	4	5	2	14
NHS Prescription Services	2	1	0	0	3
NHS Digital	2	2	0	3	7
Independent Sector	0	2	2	2	6
CSU	0	0	1	0	1
Other	1	4	0	0	5
Total	23	27	25	21	96

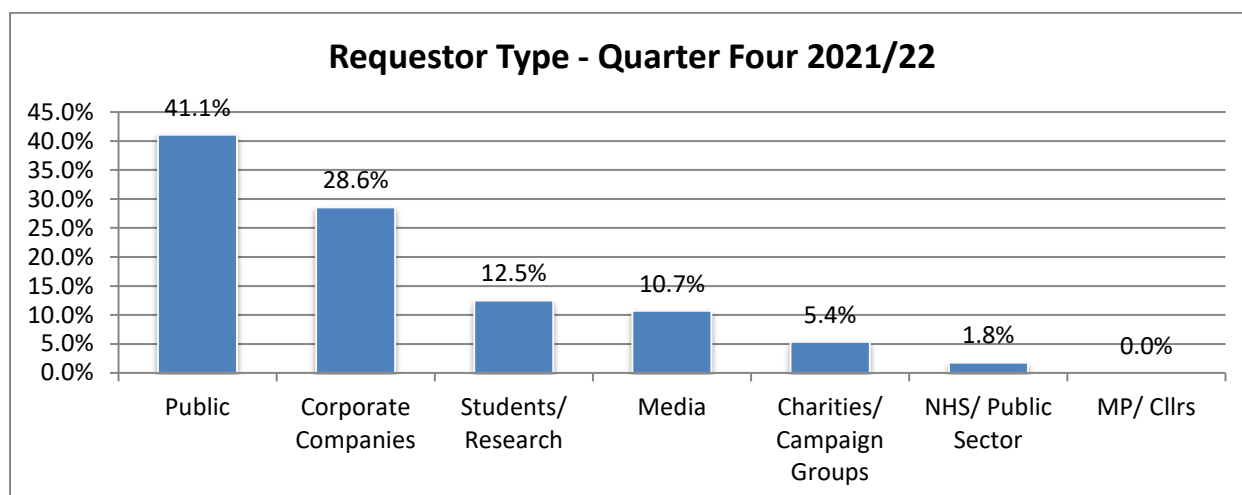
Category of Requester

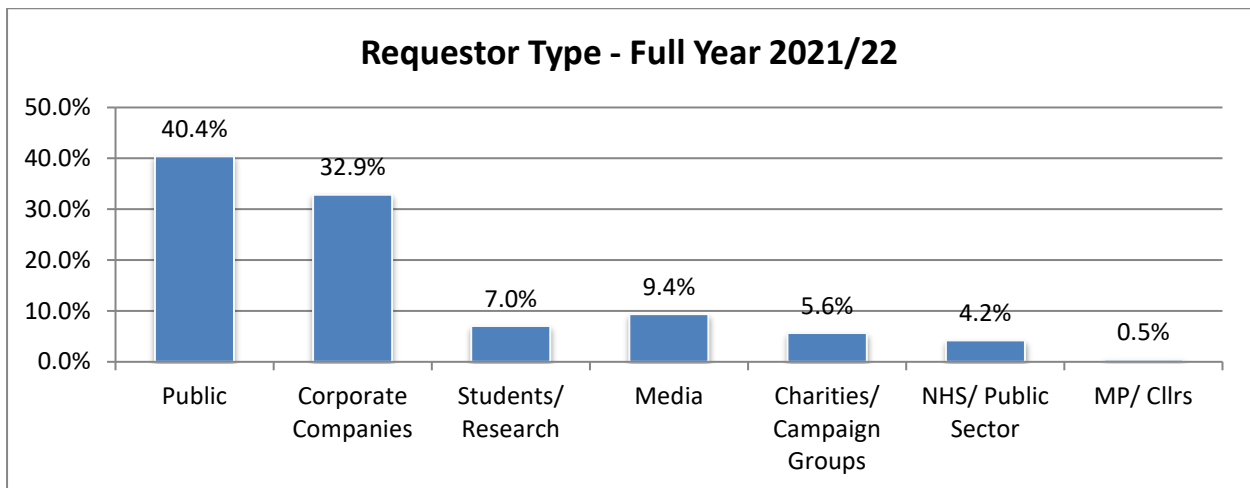
In accordance with the FOIA, the CCG maintains an ‘applicant-blind’ approach when providing information in response to requests. Where possible the type of FOI requester is recorded by the FOI team to help identify where the main demand for information originates.

As shown in table and chart below; the main types of requesters appear to be Individual Members of the Public followed by Corporate Companies during the Quarter and the Full Year.

Summary of Requesters (Processed Requests)	Quarter 4 2020/21	Quarter 1 2021/22	Quarter 2 2021/22	Quarter 3 2021/22	Quarter 4 2021/22	Year End Comparison	
	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	2020/21	2021/22
Charities, Voluntary Sector / Campaign Groups	5	1	6	2	3	19	12
Corporate Companies	16	18	21	15	16	50	70
Media (local and national)	6	6	3	5	6	22	20
Members of Parliament / Local Councillors	0	1	0	0	0	1	1
NHS/ Public Sector Organisations	0	4	2	2	1	8	9
Individual Members of the Public	22	19	24	20	23	87	86
Students / Research	1	2	2	4	7	6	15
Total	50	51	58	48	56	193	213

Figures are based on processed requests.





Internal Reviews

There were no Internal Review requests received during Quarter Four between 1 December 2021 and 31 March 2022 or for the Full Year between 1 April 2021 and 31 March 2022.

Training

No FOIA specific training sessions were provided during Quarter Four 2021/2022 due to the restrictions for COVID-19, Virtual FOI general or specific training is available from the FOI Team on request.

Records Management

During the 2021/2022 financial year, destruction of FOI request records from 2017/18 was reviewed for destruction and approval sought from the CCG's SIRO. No records from this period require further retention, such as records relating to an Internal Review, therefore once approved, all information relating to FOI requests, along with the associated correspondence will be destroyed in line with the CCG's Records Management Policy.

Customer Feedback

The FOI Team provide an electronic survey link for the collection of anonymous feedback which is sent with every FOI response email. One was returned during Quarter Four.

The feedback was excellent, with 'Very Good' for; Ease of understanding the response, Quickness of response, and 'How thoroughly did the response answer your request'. The ratings given for 'Quality of Service Provided' and "Overall Helpfulness of the Response' were both 6 based on rating of 1–6, with 6 being Very Helpful and 1 being Unhelpful. More information can be found in Attachment One.

During Quarter One 2021/2022, the FOI team also sought feedback from all the individuals and teams with the CCG that have been involved in the FOI process either by supplying information to satisfy a request and/or approving responses for distribution.

The feedback provided was very positive and the team received praise for their professionalism, friendliness, approachability, and helpfulness, as well as compliments for the overall service provided including:

- Excellent performance,
- Brilliant work,
- Consistently provide a responsive and effective service,
- No suggestions for improvement necessary. You chase appropriately assist us to complete them and share information provided by other CCGs to support completion of the requests, I don't think we could ask for more, Thank you.

Please see ERY CCG Q1 2021 - 2022 Report for more detailed information.

The internal feedback survey will be repeated during May/June 2022 and the results will be reported within the Quarter One 2022/2023 Report.

The approved FOI Quarterly Reports continue to be published on the CCG website and contain reports from 2018/2019 to date. The publication of each report is highlighted to CCG staff in the electronic staff newsletter including a web link to the latest Quarterly Report, following publication on the CCG website.

Assurance

In accordance with the Freedom of Information Shared Service Memorandum of Understanding (MOU), the FOI team adhere to the information processing requirements as identified in Schedule 3 of the MOU. For example, all information processing is undertaken in accordance with NHS Information Governance requirements and current Data Protection Legislation, and the FOI team have undergone adequate training in the use, care, protection and handling of Personal Data.

1 April 2021 to 31 March 2022 End of Year Summary

In summary, during the period from 1 April 2021 to 31 March 2022, the CCG processed 213 FOI Requests and provided the full information requested under FOIA in 78 cases. The CCG did not provide all the information requested in 39 cases because one or more exemptions applied either to part or to the whole of the request under the FOIA exemptions. The exemptions applied were: Information was accessible by other means, related to personal data, the cost of providing the information exceeded the limits set by the FOIA, repeat request, the information was intended for future publication or disclosure of information would be likely to prejudice law enforcement.

In 96 cases, the CCG was unable to provide all the information requested, as it was either not held in full, or only partially held. Where the CCG did not hold the information, the applicant was redirected, where possible, to other organisation(s) that may hold the information.

All requests were responded to within the statutory 20 working days, and the average time taken to process the requests for the year was 14 working days.

The CCG did not receive any requests for an internal review of the FOI responses provided during the year.

Decision Notices - Information Commissioner's Office (ICO) and News

Appendix Two shows the ICO's health related Decision Notices for the Quarter.

The COVID-19 pandemic has continued to affect the NHS and FOI during Quarter Four. Throughout the pandemic, The Information Commissioner (ICO) has continued to update their blog on the regulatory approach with regards to Freedom of Information and Data Protection with updates and changes. In March 2022 the ICO produced updated guidance in on section 14(1) vexatious requests which reflects changes to caselaw in more detail and provides public authorities with practical advice when deciding if a request is vexatious, and how to handle them, as part of the continuing project of reviewing and refreshing the FOI and EIR guidance.

The ICO Director: Warren Seddon's update, entitled: "Why Covid-19 has shown the FOI Act has never been more important to UK society", was published 22 March 2022 which began: The past two years have highlighted how transparency and accountability are fundamental to our democracy - the impact of decisions made by public bodies throughout the pandemic have affected us all in some way. It also highlighted that despite the high public interest and need for transparency, FOI does not mean all information relating to the public sector's response to the pandemic should be released. The law envisages that there will be circumstances where it is perfectly proper for information not to be disclosed at that time.

The update provides information and links relating to decision notices issued and the increase in complaints received about information requests and the decisions taken. Decisions included the disclosure of key documents relating to 'Exercise Cygnus' and information about the Equality Impact Assessments carried out before the introduction of the regulations underpinning the lockdowns and advice provided to DHSC around the changes for shielding policy in June 2020, as this information had informed decisions impacting the lives of millions of often vulnerable people who had a right to know why they were taken.

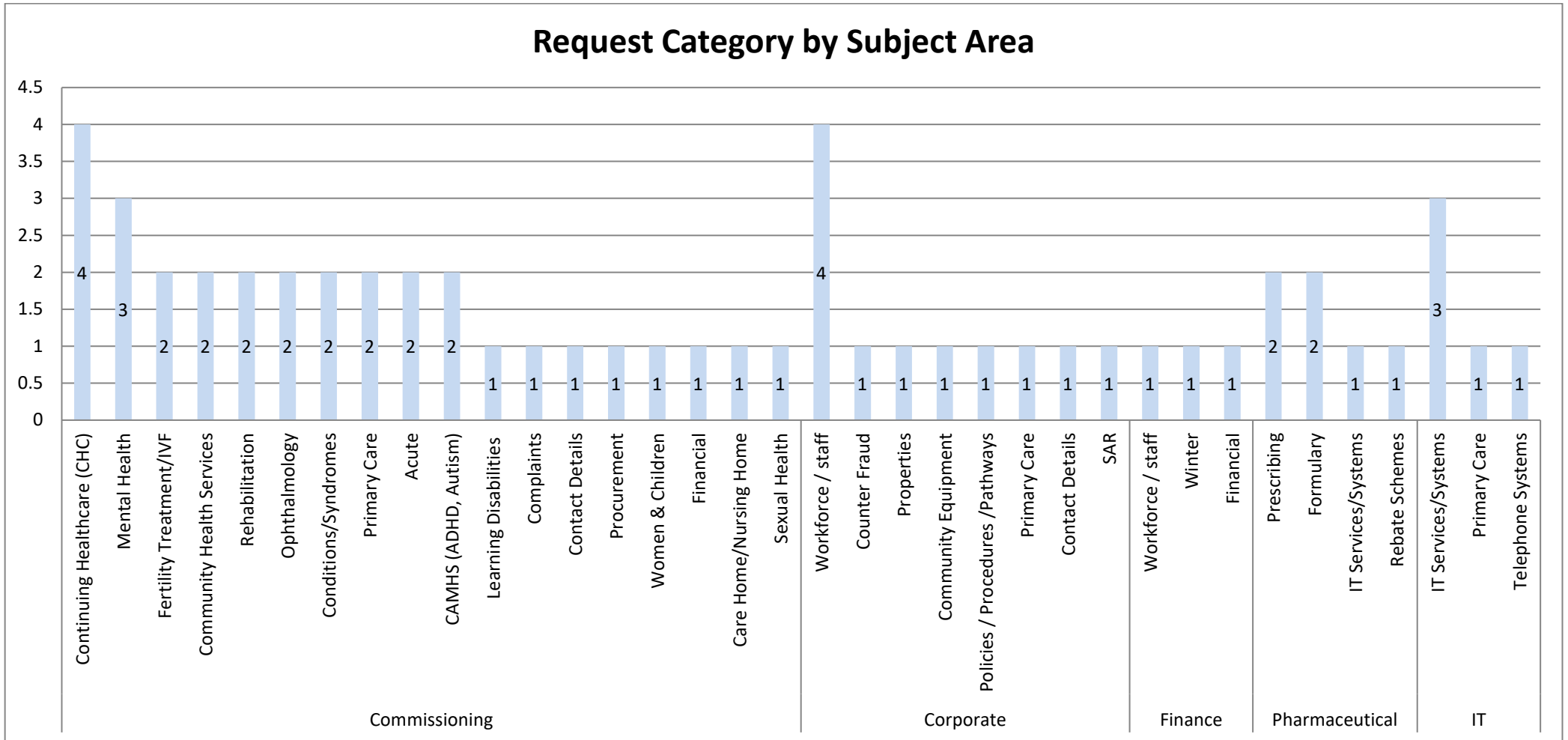
More detail and the latest up to date information can be found on the ICO website at: <https://ico.org.uk/about-the-ico/news-and-events/icos-blog-on-its-information-rights-work/>

The FOI Team continued to support and assist CCG staff who provide or collate information for FOI requests and have maintained 100% compliance with FOIA response times during the Quarter and the Full Year 2021/2022.

Freedom of Information Delivery Manager

Quarter Four: 1 January 2022 to 31 March 2022

Request Category by Subject Area



**Full Year 1 April 2021 to 31 March 2022
Request Subject by Category**

Subject	Count
Mental Health	17
Continuing Healthcare (CHC)	16
Primary Care	16
IT Services/Systems	12
Workforce / staff	11
Community Health Services	9
Contact Details	8
Policies / Procedures /Pathways	7
Conditions/Syndromes	6
CAMHS (ADHD, Autism)	6
Contracting/Procurement	6
Fertility Treatment/IVF	6
Formulary	6
Financial	5
Prescribing	4
Weight Management	4
Ophthalmology	3
Rebate Schemes	3
COVID-19	3
Rehabilitation	3
Dermatology services	3
Procurement	2
Diabetes	2
Deaths	2
Cancer Care Delivery	2
Acute	2
Adult Social Care	2
Personal Health Budgets	2
Cyber Security	2
SAR	2
Properties	2
Primary Care Networks	1
Rheumatology	1
Appliances	1
Outsourcing	1
PALS	1
Learning Disabilities	1
Palliative care	1
Fraud	1
Minor Injuries	1

Social Prescribing	1
Heart Failure	1
Out Of Hours	1
Remote Healthcare	1
Sexual Health	1
Women & Children	1
Memory Service	1
Counter Fraud	1
Supply Chain	1
Wrong Organisation	1
Quality Improvement	1
Termination of Pregnancy	1
Surgical Policies	1
Healthy Lifestyles	1
Referral Guidelines	1
Telephone Systems	1
Agency Spend	1
NHS 111	1
Medicines Management	1
Fees	1
Digital	1
Communication Aids	1
Occupational Health	1
Discharge	1
Eating Disorder	1
Care Home/Nursing Home	1
Community Equipment	1
Winter	1
Complaints	1
Gifts/Hospitality	1
Grand Total	213

Appendix Two

DECISION NOTICES **Health Related (32 in total)** **1 January 2022 to 31 March 2022**

[Norfolk and Norwich Hospitals NHS Foundation Trust](#)

30 Mar 2022, Health

The complainant requested information about the Spectrum 10k research project. By the date of this notice Norfolk and Norwich University NHS Foundation Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Trust must provide a substantive response to the request in accordance with its obligations under FOIA. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-158684-W0F0](#)

[Black Country Healthcare NHS Foundation Trust](#)

28 Mar 2022, Health

The complainant requested information about the Spectrum 10k research project. By the date of this notice Black Country Healthcare NHS Foundation Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Trust must provide a substantive response to the request in accordance with its obligations under FOIA. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-158683-V1L3](#)

[Barking Havering and Redbridge University Hospitals NHS Trust](#)

23 Mar 2022, Health

The complainant requested information from Barking Havering & Redbridge University Hospitals Trust ("the Trust") regarding child deaths and illnesses related to pollution in the area. The Trust initially refused the request on the basis that the information was personal data under section 40(2) of FOIA and later sought to rely on the exemption at section 41(1) of FOIA (information provided in confidence). The Commissioner's decision is that the Trust was entitled to rely on section 41(1) of FOIA to the withheld information. However, the Commissioner finds that the Trust has breached section 10(1) of FOIA regarding the request, as it did not provide the complainant, within 20 working days, the information it held within the scope of the request. The Commissioner does not require the public authority to take any further steps.

FOI 41(1): Complaint not upheld FOI 10(1): Complaint upheld

[Decision notice IC-123568-D3F1](#)

[Camden and Islington NHS Foundation Trust](#)

21 Mar 2022, Health

The complainant has requested information relating to the services under Camden and Islington NHS Foundation Trust ('the Trust'). In relation to parts 1-6 of the request, the Trust disclosed some information but confirmed that it does not hold any further information that falls within the scope of the request. In relation to part 7 of the request, the Trust has explained that it cannot comply citing section 12(1) (cost of compliance exceeds the appropriate limit) of FOIA. The Commissioner's decision is as follows: On the balance of probabilities, the Trust does not hold any further information within the scope of parts 1-6 of the request. The Trust is entitled to rely upon section 12 as to comply with part 7 of the request would exceed the appropriate limit. The Trust has breached section 16 (duty to provide advice and assistance) in failing to provide meaningful advice and assistance to the complainant in relation to part 7 of their request. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. Provide meaningful advice and assistance to the complainant in relation to part 7 of their request. FOI 16: Complaint upheld FOI 1: Complaint not upheld FOI 12: Complaint not upheld [Decision notice IC-113330-N2F8](#)

[East Sussex Healthcare NHS Trust](#)

15 Mar 2022, Health

The complainant has requested from the East Sussex Healthcare NHS Trust (the Trust) the Building for our Future (BFF) Strategic Outline Case (SOC). The Trust withheld the information citing section 36 FOIA – prejudice to the effective conduct of public affairs. Later, the Trust also cited section 21 (information accessible to the applicant by other means) for part of the information. During the Commissioner's investigation the Trust confirmed that it no longer wished to withhold certain appendices under section 36 as they were now in the public domain and provided them to the complainant. The Commissioner's decision is that the Trust has correctly cited section 21 and that parts of the information are reasonably accessible to the complainant by other means. He has also decided that section 36 applies to the remaining requested information and that the public interest, at this time, lies in maintaining the exemption. The Commissioner does not require the public authority to take any further steps.

FOI 36: Complaint not upheld

[Decision notice IC-117964-J9F8](#)

[NHS England](#)

10 Mar 2022, Health

The complainant requested information from the NHS Commissioning Board (NHS England) relating to the Covid-19 vaccination programme. By the date of this notice, NHS England had not issued a substantive response to this request. The Commissioner's decision is that NHS England has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires NHS England to take the following step to ensure compliance with the legislation. NHS England must provide a substantive response to the request in accordance with its obligations under the FOIA. NHS England must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-152751-K2Q9](#)

[London Ambulance Service NHS Trust](#)

7 Mar 2022, Health

The complainant requested information relating to dealings with the London Borough of Enfield. The London Ambulance Service NHS Trust originally provided some information and said that some was not held. However, LAS subsequently identified some additional information which it provided to the complainant. The Commissioner's decision is that LAS has, on the balance of probabilities, disclosed, to the complainant, all the information it holds within the scope of the request. However, as LAS failed to identify all the information it held or provide it to the complainant within 20 working days, it breached section 10(1) of FOIA. The Commissioner does not require any further steps to be taken.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-113532-P5S4](#)

[NHS Hampshire, Southampton and Isle of Wight Clinical Commissioning...](#)

4 Mar 2022, Health

The complainant has requested from NHS Hampshire, Southampton and Isle of Wight Clinical Commissioning Group (the CCG) a contract between the CCG and Partnering Health Ltd (PHL) for out-of-hours services including the expectations/targets, the payment received, and the number of times (within specified dates) that PHL failed to meet the relevant timeframes passed on by the 111 service provider. The CCG provided some information but withheld the remainder, citing the exemption at section 43(2) – commercial interests. The Commissioner's decision is that the CCG has correctly cited section 43(2) for the withheld information. However, he has concluded that it is in the public interest for this information to be disclosed, apart from the detailed financial figures in Schedule 4, Annex 1 which should not be disclosed. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. • The Commissioner expects the CCG to disclose the information it no longer considers exempt, as set out in its submissions and paragraph 19 of this decision notice. • Disclose the remaining withheld information from the contract (with the exception of the financial figures in Schedule 4, Annex 1). • Disclose the numbers that relate to the second part of the request.

FOI 43(2): Complaint upheld

[Decision notice IC-114898-G6C7](#)

[General Medical Council](#)

22 Feb 2022, Health

The complainant has requested access to all complaints made to the General Medical Council ('GMC') about a named doctor. As the named doctor had conditions placed on his registration by an Interim Orders Tribunal, GMC confirmed that details about the current investigation into the named doctor was subject to the personal data exemption at section 40(2) FOIA. As regards any other complaints into the named doctor, GMC would neither confirm nor deny whether the requested information is held under section 40(5) FOIA. The Commissioner's decision is that GMC correctly withheld all the requested information under section 40(2) FOIA and section 40(5) FOIA. The Commissioner requires no steps to be taken.

FOI 40(5): Complaint not upheld FOI 40(2): Complaint not upheld

[Decision notice IC-123448-D1R5](#)

[Medicines and Healthcare Products Regulatory Agency](#)

17 Feb 2022, Health

1. The complainant requested information from the Medicines & Healthcare products Regulatory Agency ("MHRA") about suspected adverse cardiac reactions to Covid-19 vaccines. 2. The Commissioner's decision is that the MHRA were entitled to refuse to comply with the request under section 12(1) of FOIA (cost of compliance), and that it has complied with its obligations under section 16(1) of FOIA to provide adequate advice and

assistance to the complainant. 3. The Commissioner does not require the public authority to take any further steps.

FOI 12(1): Complaint not upheld FOI 16: Complaint not upheld

[Decision notice IC-117978-K9G4](#)

[NHS Blood and Transplant](#)

16 Feb 2022, Health

The complainant has requested information about the organ donor register. NHS Blood and Transplant (NHSBT) advised that it does not hold the specific information requested. The Commissioner's decision is as follows: On the balance of probabilities, NHSBT does not hold recorded information falling within scope of the request and complied with section 1(1)(a) of FOIA. The Commissioner does not require NHSBT to take any corrective steps.

FOI 1: Complaint not upheld

[Decision notice IC-122238-Y1X8](#)

[Nursing and Midwifery Council](#)

14 Feb 2022, Health

The complainant requested information from the Nursing and Midwifery Council ("the NMC") about policies and procedures relating to whistleblowing disclosures. By the date of this notice the NMC had not issued a substantive response to this request. The Commissioner's decision is that the NMC has breached section 10 of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the NMC to take the following step to ensure compliance with the legislation: The NMC must provide a substantive response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice IC-150439-K4M2](#)

[NHS Improvement](#)

14 Feb 2022, Health

The complainant requested information NHS Improvement (NHSI) relating to the publication of meeting minutes. By the date of this notice NHSI had not issued a substantive response to this request. The Commissioner's decision is that NHSI has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires NHSI to take the following step to ensure compliance with the legislation. NHSI must provide a substantive response to the request in accordance with its obligations under the FOIA. NHSI must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-149221-D4V4](#)

[Black Country Healthcare NHS Foundation Trust](#)

10 Feb 2022, Health

The complainant requested information from Black Country Healthcare NHS Foundation Trust ("the Trust") relating to information requests the Trust has received which concern interpreting and translation services. By the date of this notice the Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the

Trust to take the following step to ensure compliance with the legislation. The Trust must provide a substantive response to the request in accordance with its obligations under the FOIA. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice IC-149996-K3H9](#)

[Hillingdon Hospitals NHS Foundation Trust](#)

4 Feb 2022, Health

The complainant has requested information about a tenancy with Vodafone Limited. The Hillingdon Hospitals NHS Foundation Trust ('the Trust') withheld the information under section 43(2) of the FOIA (commercial interests) and section 21(1) (information accessible to the applicant by other means). The Commissioner's decision is as follows: The Trust is entitled to withhold the requested information under section 43(2) of the FOIA and the public interest favours maintaining this exemption. The Commissioner does not require the Trust to take any remedial steps.

FOI 43: Complaint not upheld

[Decision notice IC-112056-V8L3](#)

[Medicines and Healthcare Products Regulatory Agency](#)

3 Feb 2022, Health

The complainant has requested information on fatalities by age as a result of having received an approved COVID-19 vaccine. The Medicines and Healthcare Products Regulatory Agency (MHRA) is withholding the information under section 22(1) of the FOIA as it intends to publish it at some future date. The Commissioner's decision is as follows: MHRA is entitled to withhold the requested information under section 22(1) of the FOIA and the public interest favours maintaining the exemption. The Commissioner does not require MHRA to take any remedial steps.

FOI 22: Complaint not upheld

[Decision notice IC-119116-G7Y5](#)

[UK Health Security Agency](#)

3 Feb 2022, Health

The complainant has requested the UK Health Security Agency (UKHSA, formerly known as Public Health England or PHE) to disclose the total amount spent on locum consultants in the microbiology department in Birmingham between April 2020 and the date of the request. They also asked for the most spent on one individual consultant during the same time period. UKHSA refused to disclose the requested information citing section 40(2) and 43 of FOIA. UKHSA later withdrew its application of section 40(2) but proceeded on the basis that the requested information was still exempt in accordance with section 43 of FOIA. The Commissioner's decision is that UKHSA is entitled to refuse to disclose the requested information in accordance with section 43 of FOIA. He therefore does not require any further action to be taken.

FOI 43: Complaint not upheld

[Decision notice IC-95822-N6M1](#)

[NHS Commissioning Board \(NHS England\)](#)

2 Feb 2022, Health

The complainant requested information from the NHS Commissioning Board (NHS England) relating to a specific complaint. The Commissioner's decision is that NHS

England failed to respond to the request within 20 working days and has therefore breached section 10(1) of the FOIA. As a response has subsequently been provided no steps are required.

FOI 10: Complaint upheld

[Decision notice IC-100772-J1V5](#)

[NHS Brighton and Hove Clinical Commissioning Group](#)

1 Feb 2022, Health

The complainant has requested information from NHS Brighton and Hove Clinical Commissioning Group (the CCG) about the risk assessment for Brighton racecourse vaccination centre because he was concerned about its layout. The CCG provided the information it held but the complainant did not accept that the site assurance statement was the most up-to-date version. The Commissioner's decision is that the CCG, on the balance of probability, has provided all the information falling within the scope of the request that it holds. The Commissioner does not require the CCG to take any further steps.

FOI 1: Complaint not upheld

[Decision notice IC-116637-S3R6](#)

[Midlands Partnership NHS Foundation Trust](#)

31 Jan 2022, Health

In a seven part request, the complainant has requested information about an information governance incident from Midlands Partnership NHS Foundation Trust ('the Trust'). The Trust addressed two parts of the request, disclosed information within scope of one part, advised it does not hold information relevant to another part and withheld information within scope of the remaining three parts under section 40 of the FOIA (personal data). The Trust subsequently withdrew its reliance on section 40 and confirmed it does not hold the information requested in these parts. The Commissioner's decision is as follows: On the balance of probabilities, the Trust does not hold any further information within scope of the request and has complied with section 1(1)(a) of the FOIA. The Trust's response breached section 10(1) of the FOIA as it did not fully comply with section 1(1)(a) within 20 working days. The Commissioner does not require the Trust to take any remedial steps.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice IC-126906-C6P9](#)

[Yorkshire Ambulance Service](#)

26 Jan 2022, Health

The complainant has requested information relating to an incident that Yorkshire Ambulance Service NHS Trust ('the Trust') supposedly attended. The Trust would neither confirm nor deny that it held the requested information, citing section 40(5B)(a)(i) (personal information) of the FOIA. The Commissioner's decision is that section 40(5B)(a)(i) is not engaged. The Commissioner requires the Trust to take the following steps: issue a fresh response, which must confirm or deny whether the information is held, and either disclose the requested information or issue a valid refusal notice compliant with section 17 of the FOIA.

FOI 40(5B)(a)(i): Complaint upheld

[Decision notice IC-119007-P3B7](#)

[Medicines and Healthcare Products Regulatory Agency](#)

26 Jan 2022, Health

The complainant has requested information about adverse reactions to approved COVID-19 vaccines. The Medicines and Healthcare Products Regulatory Agency (MHRA) is withholding the information under section 22(1) of the FOIA as it intends to publish it at some future date. The Commissioner's decision is as follows: MHRA is entitled to withhold the requested information under section 22(1) of the FOIA and the public interest favours maintaining the exemption. MHRA's refusal notice was inadequate and did not meet the requirements of section 17(3) of the FOIA. The Commissioner does not require MHRA to take any remedial steps. First-tier tribunal (General Regulatory chamber) information rights appeal EA/2022/0039 under appeal.

FOI 17: Complaint upheld FOI 22: Complaint not upheld

[Decision notice IC-107706-F9D4](#)

[NHS Commissioning Board \(NHS England\)](#)

25 Jan 2022, Health

The complainant requested information from NHS England relating to UK PMIS data. By the date of this notice NHS England had failed to provide a substantive response to this request. The Commissioner's decision is that NHS England has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires NHS England to respond to the complainant's request in accordance with the FOIA. NHS England must take these steps within 35 calendar days of the date of this decision notice.

FOI 10: Complaint upheld

[Decision notice IC-147032-G7L1](#)

[NHS England](#)

19 Jan 2022, Health

The complainant has requested NHS England to disclose all documents held relating to an investigation into a named doctor between March 2018 and March 2019. Initially NHS England refused the request citing section 40(2) of FOIA. However, at the internal review stage it altered its position and confirmed that it is refusing to confirm or deny whether the requested information is held in accordance with section 40(5) of FOIA. The Commissioner's decision is that NHS England is entitled to refuse to confirm or deny whether the requested information is held in accordance with section 40(5) of FOIA. He does not require any further action to be taken.

FOI 40(5): Complaint not upheld

[Decision notice IC-105983-L6L0](#)

[NHS Commissioning Board \(NHS England\)](#)

18 Jan 2022, Health

The complainant requested from the NHS Commissioning Board (NHS England) information relating to East and North Hertfordshire Trust's compliance with patient safety alerts. NHS England refused to comply with the request citing section 12(1) (cost limits) of the FOIA. The Commissioner's decision is that NHS England was entitled to refuse to comply with the request in accordance with section 12(1) of the FOIA. He also finds that NHS England met its obligations under section 16(1) of the FOIA to offer advice and assistance. The Commissioner does not require NHS England to take any steps.

FOI 12: Complaint not upheld FOI 16: Complaint not upheld

[Decision notice IC-119295-T5H8](#)

[Norfolk and Norwich University Hospitals NHS Foundation Trust](#)

17 Jan 2022, Health

The complainant has requested information relating to spending for translation and interpretation services. The Commissioner's decision is that Norfolk and Norwich University Hospitals NHS Foundation Trust (the Trust) failed to respond to the request for information within 20 working days and has therefore breached section 10 (time for compliance with the request) of the FOIA. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation: issue a response, in accordance with its obligations under the FOIA, to the request.

FOI 10: Complaint upheld

[Decision notice IC-144020-W6J2](#)

[University Hospital Southampton NHS Foundation Trust](#)

13 Jan 2022, Health

The complainant has requested from University Hospital Southampton NHS Foundation Trust (the Trust) information about the cost of translation services over a five year period and the total budget for other items for the organisation over the same timeframe. The Trust stated that it did not hold information regarding the first part of the request and it refused to provide information regarding the second part of the request because it considered it to be publicly available information under section 21 of the FOIA. Some months later the Trust provided information in response to the first part of the request. The Commissioner's decision is that the Trust has breached sections 1 and 10 of the FOIA because it did not provide information to which the complainant was entitled within the legislative timeframe of 20 working days. The Commissioner does not require the Trust to take any further steps.

FOI 1: Complaint upheld

[Decision notice IC-117968-D5B7](#)

[General Dental Council](#)

13 Jan 2022, Health

The complainant has requested information from the General Dental Council ('GDC') about under-guise investigations. The GDC initially advised that it did not hold any relevant information. The GDC subsequently identified information within scope of the request that it does hold but which it has withheld under section 21(1) of the FOIA (information accessible to applicant by other means), section 31(1)(g)(law enforcement) and section 40(2) (personal data). The Commissioner's decision is as follows: The information the GDC is withholding is exempt information under section 21, section 31(1)(g) with subsections 31(2)(b), (2)(c) and (2)(d), and section 40(2) of the FOIA. The public interest favours maintaining the section 31(1)(g) exemption. On the balance of probabilities, the GDC holds no other relevant information and has complied with section 1(1)(a). The GDC breached section 17(1) as it did not provide the complainant with a refusal notice within 20 working days of the request. The Commissioner does not require the GDC to take any remedial steps.

FOI 17: Complaint upheld FOI 31: Complaint not upheld FOI 21: Complaint not upheld FOI 40: Complaint not upheld FOI 1: Complaint not upheld

[Decision notice IC-107649-S2G4](#)

[Velindre University NHS Trust](#)

12 Jan 2022, Health

The complainant requested information from Velindre University NHS Trust ("the Trust") relating to a new hospital facility. By the date of this notice the Trust had failed to provide a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to

the request within the statutory timeframe of 20 working days. The Commissioner requires the Trust to respond to the complainant's response in accordance with the FOIA. The Trust must take these steps within 35 calendar days of the date of this decision notice.

FOI 10: Complaint upheld

[Decision notice IC-144126-Q8T5](#)

[Mid Essex Clinical Commissioning Group](#)

7 Jan 2022, Health

The complainant requested information from Mid Essex Clinical Commissioning Group ("the CCG") about common policies and procedures shared across the Essex CCGs. By the date of this notice the CCG had not issued a substantive response to this request. The Commissioner's decision is that the CCG has breached section 10 of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the CCG to take the following step to ensure compliance with the legislation: The CCG must provide a substantive response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice IC-143939-L7X4](#)

[NHS Clinical Commissioning Board \(NHS England\)](#)

6 Jan 2022, Health

The complainant requested information the NHS Commissioning Board (NHS England) relating to a contract between NHS England and the New Foscote Hospital, Banbury. By the date of this notice NHS England had not issued a substantive response to this request. The Commissioner's decision is that NHS England has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires NHS England to take the following step to ensure compliance with the legislation. NHS England must provide a substantive response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice IC-143199-C6G5](#)

[Barts Health NHS Trust](#)

4 Jan 2022, Health

The complainant requested information from Barts Health NHS Trust ("the Trust") about its correspondence with the Spectrum 10K research project. By the date of this notice the Trust had not issued a substantive response to this request. The Commissioner's decision is that the Trust has breached section 10 of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: The Trust must provide a substantive response to the request in accordance with its obligations under the FOIA.

FOI 10: Complaint upheld

[Decision notice IC-140363-J1J3](#)