# Corporate policy
## Freedom of Information Policy

### Issue sheet

<table>
<thead>
<tr>
<th>Document reference</th>
<th>NHSBSAFOI001d</th>
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<tbody>
<tr>
<td>Document location</td>
<td>S:\BSA\IGM\Mng IG\Developing Policy and Strategy\Develop or Review FOI Policy\Current and Final</td>
</tr>
<tr>
<td>Title</td>
<td>NHS Business Services Authority Freedom of Information Policy</td>
</tr>
<tr>
<td>Author</td>
<td>Gordon Wanless</td>
</tr>
<tr>
<td>Issued to</td>
<td>All BSA staff on hub, published publicly on website</td>
</tr>
<tr>
<td>Reason issued</td>
<td>For information / action</td>
</tr>
<tr>
<td>Last reviewed</td>
<td>Sept 2017</td>
</tr>
<tr>
<td>Review cycle</td>
<td>Annual</td>
</tr>
<tr>
<td>Date of Equality Assessment</td>
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<tr>
<td>Date of Fraud Review</td>
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### Revision details

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<tr>
<th>Version</th>
<th>Date</th>
<th>Amended by</th>
<th>Approved by</th>
<th>Details of amendments</th>
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<tr>
<td>Initial release</td>
<td>30.05.2007</td>
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<td>IGSG</td>
<td>N/A</td>
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<tr>
<td>a</td>
<td>3.11.2010</td>
<td>G Wanless</td>
<td>IGSG</td>
<td>Added details of FOI deputies &amp; updated FOI Lead responsibilities</td>
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<tr>
<td>b</td>
<td>16.09.2012</td>
<td>G Wanless</td>
<td>A&amp;PF</td>
<td>Amended details of FOI deputies &amp; updated FOI Lead responsibilities</td>
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<tr>
<td>c</td>
<td>27.09.2013</td>
<td>G Wanless</td>
<td>A&amp;PF</td>
<td>Amended details of FOI deputies &amp; updated FOI Lead responsibilities</td>
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<tr>
<td>d</td>
<td>28.02.2014</td>
<td>C Gooday</td>
<td>A&amp;PF</td>
<td>Amended details of job roles</td>
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<tr>
<td>e</td>
<td>24.03.2015</td>
<td>C Gooday</td>
<td>A&amp;PF</td>
<td>Annual Review</td>
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<tr>
<td>f</td>
<td>21.03.2016</td>
<td>C Gooday</td>
<td>A&amp;PF</td>
<td>Annual Review</td>
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<tr>
<td>g</td>
<td>15.11.2017</td>
<td>C Gooday</td>
<td>A&amp;PF</td>
<td>Restructured to meet requirements of ISMS</td>
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1. Policy Summary

1.1. This policy sets out the roles and responsibilities for compliance with the Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR).

2. Introduction

2.1. The NHSBSA recognises there is a corporate responsibility to provide the public with a general right of access to all recorded information held by the organisation.

2.2. The NHS Business Services Authority (NHSBSA) has a legal obligation to comply with all appropriate legislation in respect of requests for information. It also has a duty to comply with guidance issued by the Information Commissioners Office.

3. Scope

3.1. This policy applies to all employees, Non-executive Directors, contractors, agents, representatives and temporary staff working for or on behalf of the NHSBSA. These will be referred to as Staff in the remainder of this policy.

3.2. FOI and EIR apply to all recorded information that is held for or on behalf of the NHSBSA. Information held on behalf of another organisation needs to be answered by that organisation.

3.3. This policy does not cover Subject Access Requests (requests to access that individuals personal data). Subject Access Requests (SARs) are exempt from the Freedom of Information Act under Section 40(1) and are processed in accordance with Data Protection law. SARs fall within the scope of the Data Protection and Confidentiality Policy.

4. Objectives

4.1. The objectives of this policy are:

- To ensure compliance with the FOI and EIR information access legislation.
- To uphold the reputation of the NHSBSA as being an open and transparent organisation responsible for valuable NHS information.

5. Key outcomes (or Expected Results)

5.1. NHSBSA will respect the information rights of everyone and thereby maintain a good reputation with customers, staff and stakeholders regarding its handling of the large volume of information it processes.
5.2. NHSBSA will avoid regulatory enforcement action, together with the associated complaints, negative publicity and the cost of changing work practices.

6. Principles

6.1. NHSBSA aims to be open and transparent when processing and using information.

6.2. The NHSBSA will not charge for access to information under FOI or EIR.

6.3. Requestors will be entitled to all information requested unless one of the statutory exemptions (FOI) or exceptions (EIR) applies. However, only those specific pieces of information to which the exemption applies will be withheld.

6.4. Personal data will only be disclosed into the public domain in line with data protection legislation, case law and ICO guidance for best practice.

6.5. Any anonymisation of personal data prior to disclosure will be to the NHSBSA Anonymisation and Pseudonymisation Standard.

6.6. NHSBSA aims to respond to all requests within 20 working days. If clarification of the request is sought, the response time frame will be reset until this is received from the applicant. The applicant has 3 months in which to provide clarification, before their request is considered closed.

6.7. NHSBSA may undertake a consultation about the response to a request where:
   - The views of the third party may assist in determining whether an exemption under FOI or EIR applies, or
   - The views of the third party may assist in determining where the Public Interest lies.

6.8. Any appeal against a disclosure decision will only be considered within 6 months of that decision being published.

6.9. Information disclosed will be published on the NHSBSA FOI Disclosure log

6.10. Information may be proactively published, rather than by awaiting an FOI request:
   - As determined by the ICO Model Publication Scheme or
   - As agreed with the Information Asset Owner, and where appropriate, the representatives of affected stakeholders.

6.11. Information disclosed will be subject to the Open Government Licence which permits commercial re-use of information within the terms of that licence.
7. Responsibilities

7.1. Freedom of Information Officer

The Freedom of Information Officer responsibilities have been allocated to the Head of Information Governance role within the NHSBSA.

The Freedom of Information Officer responsibilities include:

- All responsibilities detailed in the Information Governance Policy
- Ensuring compliance with the Information Rights of individuals.
- Maintaining the NHSBSA FOI Publication Scheme on the NHSBSA Website
- Representing the NHSBSA on FOI and EIR matters including acting as the single point of contact for the ICO.
- Co-ordinating an FOI or EIR request response and issue the agreed response as required by the Handling FOI requests procedure.
- Objectively reviewing any appeals by a requester in accordance with the Internal review procedure.
- Appropriately delegating these responsibilities to the Information Governance Team.

7.2. Information Asset Owners

All Information Asset Owners across the whole of the NHSBSA are directly responsible for:

- Ensuring that their staff recognise and respect all the FOI and EIR rights of customers and staff.
- Ensuring the relevant context is provided relating to information requested about their business area.
- Ensuring that records controlled within their area are managed in a way which meets the aims of the NHSBSA’s records management policies. This ensures that timely and complete responses are provided too FOI and EIR requests.
- Appropriately delegate these responsibilities to their staff.

7.3. All Staff

All staff are directly responsible for:

- Meeting the responsibilities and principles detailed in the Information Governance Policy
- Recognising that all recorded information may be provided to the public and that in every case the law requires that there will be full and unconditional disclosure unless one of the statutory exemptions/exceptions applies. Consequently information that contains information that identifies staff may be disclosed in the
public domain in some circumstances where there is a public interest justification.

- Promptly forwarding any request for information that is not “Business as Usual” to the Information Governance Team making it clear when the request was first received by the NHSBSA or anyone acting on behalf of the NHSBSA.
- Advising if the request is not clear and provide assistance to the Information Governance team about what further clarification is needed
- Providing estimates where the request may take longer than the appropriate limit (currently 18 hours) to locate, extract and retrieve the information, then provide estimates of how long it will take. Where relevant, provide advice and assistance on how a modified request could be provided within the appropriate limit.
- Providing the information requested within the target date requested by the Information Governance team
- Advising the Information Governance team of any concerns about the disclosure of the information into the public domain.
- Being aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information from disclosure which is held by NHSBSA.

8. Related policies.

8.1. This policy follows:
   - Information Governance Policy
   - Data Protection and Confidentiality Policy

8.2. The NHSBSA strategy, policy, and guidance documents governed by or related to this policy are:
   - Records Management Policy
   - NHSBSARM012 Corporate records retention schedule

9. Penalties

9.1. Any user who violates this Freedom of Information Policy document will be subject to disciplinary action.