

## **Oaks healthcare**

### **Freedom of Information**

#### **What is the Freedom of Information Act?**

**It's a law giving people the general right to see recorded information held by public authorities.**

**The Act helps people get a better understanding of how public authorities carry out their duties, make decisions and spend public money.**

#### **Public Authorities**

Are public sector bodies and include central government, local authorities, police authorities, the health service, schools, colleges and universities. The Act also covers information held by other organisations on behalf of public authorities.

#### **Recorded Information**

Includes information held on paper, on computer and on audio and video tapes.

#### **What are a public authority's legal duties under the Act?**

Public authorities must do the following:

- They must respond to written requests for information from individuals.
- They must make some information available for the public without a specific request being made.

#### **Does the Act only cover information recorded since the Act was passed?**

No, the Act covers information recorded before and after the Act was passed in 2000 but there is some information that is exempt from being released. See below for more about exemptions.

#### **About requests**

##### **How can a request be made?**

All requests for information must be made in writing. This can be in any written form, such as a letter, fax or e-mail.

If somebody asks for information in person or by phone, you should tell them they need to ask for it in writing and give them any help and advice that you can.

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Review due: February 2019

Person responsible: Kat Hampson

## **What should the request include?**

Any request for information must:

- Be in writing.
- Give the name of the person asking for the information.
- Give an address for correspondence to be sent to.
- Describe the information wanted.

### **Rights of individuals**

People who ask for information have the following rights:

- To be told whether the information exists. This may be referred to as the Practice's duty to confirm or deny. Note that for absolute exemptions, the Practice does not have to confirm or deny whether the information is held.
- If the information does exist, the right to receive the information, unless it is exempt.
- The person does not have to mention the Freedom of Information Act when they are asking for information.
- The person does not have to give a reason for wanting to see the information and you are not allowed to ask the person their reason for asking for it.

### **Timescales**

The Practice must respond to a request for information within 20 working days of receiving it. Within this period, the Practice must:

- Give the person the information they have asked for, or
- Tell them if the information will not be available within the 20 working days, or
- Tell them that the information will not be released because of exemptions.

If the information is not exempt and there is a fee to be paid, the person must be told that they need to pay this fee. The Practice then has 20 working days after receiving the fee to provide the information.

Making decisions about whether to provide information can take time, so it is important that requests are processed as soon as they are received. The FOI manager must be informed at the earliest opportunity.

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## **About exemptions**

**In certain cases, Oaks Healthcare can legally withhold information.**

### **When do exemptions apply?**

Exemptions mainly apply where releasing the information would not be in the public interest, for example, because it would affect law enforcement or because it would break confidentiality. There are two types of exemption:

#### **Qualified exemptions**

Qualified exemptions are those where information, even though it falls into an exempt category such as defence, may still have to be released if it is considered that it is in the public interest to release the information.

#### **Absolute exemptions**

Mean that the Practice does not have to consider what is in the public interest and should not release the information. For absolute exemptions, the Practice does not have to confirm or deny whether the information is held.

**If a document contains some exempt information**, those pieces of information can be withheld but the rest of the document must still be released.

**Oaks Healthcare must explain** why the information is being withheld and this must be done within 20 working days of receiving the request.

**If more time is needed** to consider whether the information should be released, the applicant must be informed within the initial 20 working days, with an estimate of when the information might be made available. Information should be released as soon as possible, even if this means a phased release.

**Oaks Healthcare must judge public interest** at the time the request is received. Each request should be considered individually.

**All information requests must be passed to Karen Jeffries, Practice Manager as soon as possible.**

If you need more information about the Freedom of Information Act, you can:

- You can contact Karen Jeffries, Practice Manager
- Visit the Information Commissioner's website at
- <https://www.gov.uk> > Organisations > Information Commissioner's Office the national information line, 0303123113

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