A decorative graphic consisting of three blue, 3D-rendered spheres of varying sizes and two thin blue lines that intersect to form a triangular shape. One sphere is at the top left, a smaller one is in the middle, and the largest one is at the bottom right.

Freedom of Information (FOI) Quarterly Report

NHS North East Lincolnshire Clinical
Commissioning Group (CCG)

Quarter Three 2019/20 report covering the period
from October to December 2019.

Freedom of Information Delivery Manager

INTRODUCTION

This paper provides an update on the current position of requests made to NHS North East Lincolnshire Clinical Commissioning Group (CCG) under the Freedom of Information Act 2000 (FOIA) from 1 October to 31 December 2019 and a comparison against quarter three in 2018/19.

Volume of Requests – Timeliness of Responses

	Quarter 3 2018/19	Quarter 1 2019/20	Quarter 2 2019/20	Quarter 3 2019/20	Year to Date Comparison	
Requests Received	Oct – Dec 2018	Apr – Jun 2019	Jul – Sep 2019	Oct– Dec 2019	2018/19	2019/20
Total number of FOI requests received:	53	67	73	67	197	208
Total Number of FOIs Processed	53	67	71**	66**	193	205**
Requests processed within 20 working days	52	67	71	66	192	205
Requests processed outside 20 working days	1*	0	0	0	1*	0
Percentage processed FOIs Completed within 20 working days	98.1%	100%	100%	100%	99.5%	100%
Average time taken to process (days)	15	17	18	16	15	16

* Please see 2018/19 reports for further detail.

** Clarification was requested and not received for two requests during quarter two and one during quarter three.

Quarter three 2019/20 has seen an decrease of 12.1% in the number of FOIA requests received and processed on the number of requests received and processed in quarter two 2019/20 and the average number of days to process the requests has decreased by 2 days.

Against the same period in 2018/19 there has been a 24.5% increase in the number of requests received and processed. All requests processed in quarter three have been completed within the statutory 20 working day deadline.

Year to date against the previous financial year, there has been a 6.2% increase in the number of requests received and processed and the average number of days taken to process them has increased slightly to 16 days.

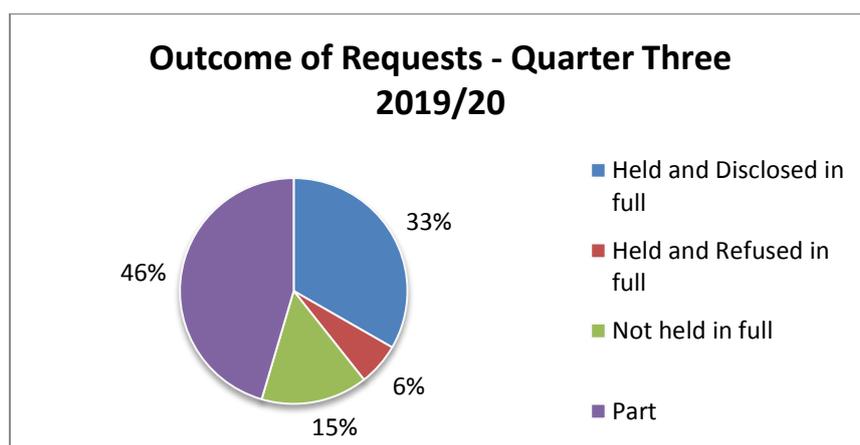
Subject Area of Request

The CCG receives a variety of requests and in some cases requests with multiple questions for a variety of information types. The predominant subject area this quarter however, has been Primary Care Networks, followed by Continuing Healthcare commissioning and Mental Health commissioning. Please see Appendix One for a full illustration of the various topics.

Outcome of Requests

Of the 66 requests processed, 15% (10) sought information that was 'not held' by the CCG. Information was disclosed in full for 30% (22) of the requests. During quarter three 6% (4) were for information held by the CCG but these were 'refused in full' because the information was exempt from disclosure. For the remaining 46% (30) of the requests the information was partially disclosed, either because only part of the information was held or because an exemption was applied. Exemptions were applied to 27% (18) of all requests processed.

The chart below displays the proportion of requests where information was held and disclosed, held and refused, not held or partially held by the CCG:



The following table illustrates the number of instances information was not disclosed and the reason for refusal. As shown in the table, the most commonly applied exemption was Section 21, which demonstrates the CCG is able to redirect requestors to information which is already accessible to them.

Exemption/Reason for Refusal	Number of requests applied to
Section 12 – Cost of Compliance	4
Section 21 – Accessible by Other Means	11
Section 40 – Data Protection	5
Total	20

The CCG has a duty to provide advice and assistance (Section 16) 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 and/or does hold the information requested. The table below shows which organisation(s) were highlighted as sources of information and on how many occasions during the quarter:

NHS- Acute	NHS- Mental Health	NHS Other	NHSE	GPs	Local Authority	NHS Prescription Services	NHS Digital	Private	Other
6	-	2	2	2	8	1	2	1	2

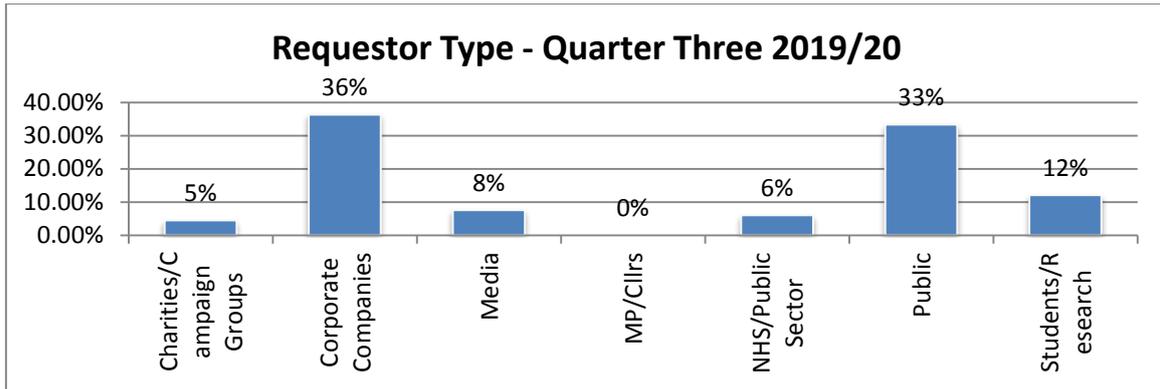
Category of Requester

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 two main types of requester appear to be corporate companies.

Summary of Requesters*	Quarter 3 2018/19 Jul – Sep 2018	Quarter 1 2019/20 Apr – Jun 2019	Quarter 2 2019/20 Jul – Sep 2019	Quarter 3 2019/20 Oct–Dec 2019
	Charities, Voluntary Sector / Campaign Groups	4	4	6
Corporate Companies	16	32	35	24
Media (local and national)	14	8	12	5
Members of Parliament / Local Councillors	6	2	0	0
NHS/ Public Sector Organisations	1	3	3	4
Individual members of the public	8	14	13	22
Student / Research	4	4	2	8
Total	53	67	71	66

*Figures based on completed requests.



Internal Reviews

There were no internal review requests between 1 October and 31 December 2019.

Customer Feedback

An electronic survey link for the collection of feedback is issued with every FOI response. During quarter three no feedback was received.

Decision Notices - Information Commissioners Office (ICO) and News

Appendix Two shows the ICO's health related Decision Notices for the quarter and any Decision Notices relating to Adult Social Care for the quarter.

The Information Commissioner has renewed her call for FOIA to be extended to cover private companies providing public services (which is valued at £284 billion a year). At the Society of Editors conference, the Commissioner also expressed 'concern that government records had become more "ephemeral", with decisions made by WhatsApp, making it harder to keep and access records of big decision-making'. She spoke about how the ICO processed approximately 6,500 FOI appeals a year and that although they have capacity to take more, "the laws have not kept up with the technology [and] so much government services are delivered by outsourced companies that are not subject to Freedom of Information". The ICO made a case for reforming access to information law in its report '[Outsourcing Oversight?](#)' which was published in January, in which the Information Commissioner said "urgent action" was required to 'bring private companies providing public services under the scope of FOI'.

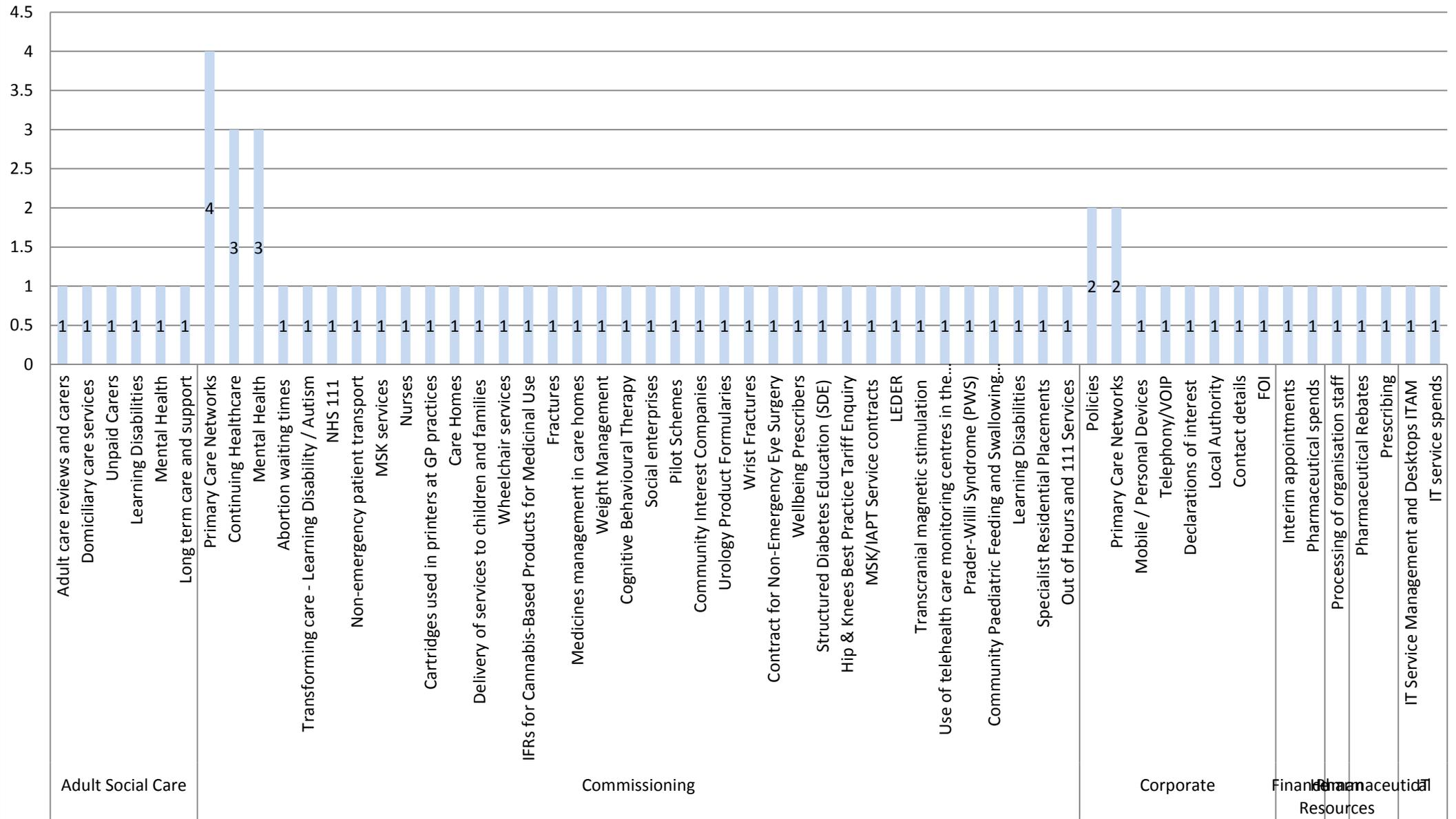
The ICO will now be publishing information notices they serve to organisations that have not fulfilled their obligations under FOIA. You can see the Information Notices they publish on their website [here](#).

The ICO have also started a new series of blog posts covering their regulation of access to information legislation. The first update is by Gill Bull, the ICO's Director of Freedom of Information Complaints and Compliance and is entitled '[Access to Information in Turbulent Times](#)'.

Freedom of Information Delivery Manager

Appendix One

Request Category by Subject Area



Appendix Two

DECISION NOTICES Health Related (29 in total) 1 October – 31 December 2019

[Care Quality Commission](#)

19 Dec 2019, Health

The complainant has requested information from the Care Quality Commission (CQC) about NHS organisations and concerns relating to NHS Key Performance Indicators (KPIs). The CQC refused the request, citing the cost limit as set out in section 12(1) of the FOIA as a basis for non-disclosure.

FOI 12: Complaint not upheld

[Decision notice FS50868232](#)

[General Medical Council](#)

17 Dec 2019, Health

The complainant has requested the GMC to disclose the evidence base for its refusal to investigate a complaint brought to it. The GMC refused to confirm or deny whether the requested information is held citing section 40(5A) and 40(5B)(a)(i) of the FOIA. The Commissioner's decision is that the GMC is entitled to refuse to confirm or deny whether the requested information is held in this case in accordance with section 40(5B)(a)(i) of the FOIA. She does not require any further action to be taken.

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

[Decision notice FS50887698](#)

[Wirral University Teaching Hospital NHS Foundation Trust](#)

3 Dec 2019, Health

The complainant has requested information relating to physical assaults on staff. The Wirral University Teaching Hospital NHS Foundation Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has incorrectly applied section 40(2) of FOIA to the withheld information. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: to disclose the suppressed numbers for Q7, Q8 and Q11. The public authority must take these steps 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 40: Complaint upheld

[Decision notice FS50852070](#)

[Royal Wolverhampton Hospitals NHS Trust](#)

27 Nov 2019, Health

The complainant requested information from The Royal Wolverhampton NHS Trust (the "Trust") about the roles of Head of Department/Lead Consultant for Gynaecology and Gynaecological

Oncology. 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 requests within the statutory time frame of 20 working days. As responses have been issued, the Commissioner does not require the Trust to take any further steps.

FOI 10: Complaint upheld

[Decision notice FS50887847](#)

[NHS England](#)

26 Nov 2019, Health

The complainant has requested NHS England to disclose information relating to an investigation about the treatment of black and ethnic minority staff at NHS North East London Commissioning Support Unit (NEL CSU) commissioned in August 2016. A small amount of information was initially disclosed but the remainder (with the exception of question 5 and 7) was withheld under sections 21, 31, 40(2) and 43 of the FOIA. In relation to question 5 and 7 of the request, NHS England initially refused to confirm or deny the information is held citing section 40(5)(b)(i). During the Commissioner's investigation all elements of the request were resolved except questions 5 and 7. In relation to questions 5 and 7 NHS England revised its position, withdrew the application of section 40(5)(b)(i) and disclosed the recorded information it holds. The complainant then disputed that he had received all the recorded information that is held. This then became the focus of the Commissioner's investigation. The Commissioner's decision is that on the balance of probabilities NHS England has disclosed all the recorded information it holds falling within the scope of questions 5 and 7. She therefore does not require any further action to be taken. She has however noted that NHS England failed to respond to the request within 20 working days of receipt and therefore breached section 10 of the FOIA.

FOI 10: Complaint upheld FOI 1: Complaint not upheld

[Decision notice FS50807287](#)

[NHS England](#)

25 Nov 2019, Health

The complainant has requested copies of manuals used to train NHS England managers how to advertise job vacancies on the NHS Jobs website. The Commissioner's decision is that, on the balance of probabilities, NHS England does not hold the requested information. The Commissioner does not require NHS England to take any further steps.

FOI 1: Complaint not upheld

[Decision notice FS50869922](#)

[General Medical Council](#)

25 Nov 2019, Health

The complainant has requested the minutes of a Fitness to Practice Panel hearing in respect of a specific Doctor. The General Medical Council withheld the requested information because it considered that disclosing it would breach data protection principles. The Commissioner's decision is that the GMC has correctly applied section 40(2) of the FOIA to withhold the information. The Commissioner does not require any further steps to be taken.

FOI 40(2): Complaint not upheld

[Decision notice FS50872018](#)

[Harrogate and District NHS Foundation Trust](#)

25 Nov 2019, Health

The complainant has requested information relating to the numbers of cancelled operations. Harrogate and District NHS Foundation Trust (the Trust) failed to respond to this request for information and the Commissioner's decision is that in doing so the Trust breached section 10(1) of the FOIA. The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA. The public authority must take these steps 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 FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice FS50882317](#)

[NHS England](#)

19 Nov 2019, Health

The complainant requested information regarding procedures for conducting investigations. NHSE England ("NHSE") refused to comply with the request, citing section 14(1), as it considered the request to be vexatious. The Commissioner's decision is that NHSE was correct to apply section 14(1) to the request. The Commissioner does not require NHSE to take any further action.

FOI 14(1): Complaint not upheld

[Decision notice FS50841786](#)

[North East London NHS Trust](#)

19 Nov 2019, Health

The complainant requested information from North East London NHS Foundation Trust ("the Trust") about complaints against the Trust, overpayments and information requests to the Trust. The Commissioner's decision is that 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 respond to the complainant's request in accordance with the FOIA.

FOI 10: Complaint upheld

[Decision notice FS50873059](#)

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

19 Nov 2019, Health

The complainant has requested information relating to the numbers of cancelled operations. Norfolk and Norwich University Hospitals NHS Foundation Trust (the Trust) failed to respond to this request for information and the Commissioner's decision is that in doing so the Trust breached section 10(1) of the FOIA. The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA. The public authority must take these steps 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 FOIA and may be dealt with as a contempt of court.

FOI 10: Complaint upheld

[Decision notice FS50882320](#)

[NHS Devon Clinical Commissioning Group](#)

14 Nov 2019, Health

The complainant has requested information on a decision to refuse to commission a particular treatment. NHS Devon CCG (the CCG) explained that, as it had not refused to commission that treatment, it did not hold the requested information. The Commissioner's decision is that the clear focus of the request is on a decision to refuse to commission that particular treatment. The CCG has provided evidence to demonstrate it did not refuse to commission the treatment. Therefore the Commissioner is satisfied it does not hold the requested information. The Commissioner does not require the public authority to take any further action in this matter.

FOI 1: Complaint not upheld

[Decision notice FS50836379](#)

[General Dental Council](#)

7 Nov 2019, Health

The complainant has requested a copy of the redaction policy. The General Dental Council (GDC) refused the request under section 31(1)(g) with subsection (2)(d) of FOIA. The Commissioner's decision is that the GDC has demonstrated that section 31(1)(g) with 31(2)(d) is engaged and the public interest favours maintaining the exemption. She requires no steps to be taken

FOI 31: Complaint not upheld

[Decision notice FS50843449](#)

[Chesterfield Royal Hospital NHS Foundation Trust](#)

6 Nov 2019, Health

The complainant has requested Chesterfield Royal Hospital NHS Foundation Trust (the trust) to disclose information relating to the number of Flowtron Boots in working order and purchased at certain dates in 2016. The trust disclosed the requested information but provided its response late. The Commissioner's decision is that the trust breached section 10 of the FOIA by failing to respond to the complainant's information request within 20 working days of receipt. But as the information has now been supplied, she does not require any further action to be taken.

FOI 10: Complaint upheld

[Decision notice FS50803990](#)

[Oxford Health NHS Foundation Trust](#)

4 Nov 2019, Health

The complainant has requested information relating to the qualifications obtained by a member of staff at Oxford Health NHS Foundation Trust (the Trust). The Trust withheld the information, citing the exemption under section 40(2) of the FOIA as its basis for doing so. The Commissioner's decision is that the Trust was entitled to withhold the requested information under section 40(2) of the FOIA. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 40(2): Complaint not upheld

[Decision notice FS50819174](#)

[NHS Nene Clinical Commissioning Group](#)

31 Oct 2019, Health

The complainant has requested communications between two specific individuals and other parties and bodies, about two nursing homes. NHS Nene Clinical Commissioning Group ('the CCG') released some information, having redacted the personal data from it under section 40(2) of the FOIA. The CCG withheld other information under section 21(1) of the FOIA as it considers this information is already accessible to the complainant by other means. The complainant is not satisfied with the CCG's reliance on section 21(1) with regard to some of the requested information. The Commissioner's decision is as follows: The CCG breached section 1(1), section 10(1) and section 17(1) as it did not comply with section 1(1) or provide a refusal notice within 20 working days. The CCG can rely on section 21(1) to withhold some of the information the complainant has requested as it accessible to him by other means. The Commissioner does not requires the CCG to take any remedial steps.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 21: Complaint not upheld FOI 1: Complaint upheld

[Decision notice FS50839675](#)

[NHS Norwich Clinical Commissioning Group](#)

30 Oct 2019, Health

The complainant requested information from Norwich Clinical Commissioning Group (NCCG) regarding NHS pay banding for a specific NCCG role. NCCG refused to disclose the information citing section 40(2) (personal data) of the FOIA. The Commissioner's decision is that NCCG was not correct to apply section 40(2) of the FOIA to withhold the information. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. • To disclose the NHS pay banding for NCCG's role of Governance & Operations Manager / Data Protection Officer. The public authority must take these steps 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 FOIA and may be dealt with as a contempt of court.

FOI 40: Complaint upheld

[Decision notice FS50833569](#)

[NHS Bromley Clinical Commissioning Group](#)

23 Oct 2019, Health

The complainant has requested information about adherence to various NHS Codes of Conduct. NHS Bromley Clinical Commissioning Group refused the request as vexatious. The Commissioner's decision is that the request was vexatious and therefore the CCG was entitled to rely on section 14(1) of the FOIA to refuse it. However, she also finds that the CCG failed to issue a refusal notice citing section 14(1) within 20 working days and thus breached section 17(5) of the FOIA. The Commissioner does not require any further steps to be taken.

FOI 14: Complaint not upheld FOI 17(5): Complaint upheld

[Decision notice FS50851268](#)

[Barts Health NHS Trust](#)

23 Oct 2019, Health

The complainant has requested information relating to physical assaults on staff. The Barts Health NHS Trust (the Trust) refused to provide some of the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The

Commissioner's decision is that the Trust has incorrectly applied section 40(2) of FOIA to the withheld information. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: to disclose the suppressed numbers. The public authority must take these steps 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 40: Complaint upheld

[Decision notice FS50841016](#)

[Public Health Agency](#)

21 Oct 2019, Health

The complainant has requested information from the Public Health Agency ('PHA') in relation to a planning application for a pig farm. The PHA disclosed some of the requested information and stated that it did not hold the remainder. The Commissioner's decision is that the PHA has correctly relied upon regulation 12(4)(a) of the EIR in that it holds no further information within the scope of the complainant's request apart from that which it has already disclosed to the complainant. Therefore, the Commissioner requires no steps to be taken.

EIR 12(4)(a): Complaint not upheld

[Decision notice FS50839644](#)

[West Hampshire Clinical Commissioning Group](#)

16 Oct 2019, Health

The complainant requested information on a continuing care review report. The West Hampshire Clinical Commissioning Group (the CCG) disclosed information during the Commissioner's investigation and confirmed that it did not hold any further information. The complainant considered that more information must be held. The Commissioner's decision is that, on the balance of probabilities, the CCG does not hold any further information within the scope of the request. The Commissioner does not require the CCG to take any steps.

FOI 1: Complaint not upheld

[Decision notice FS50835152](#)

[Care Quality Commission](#)

16 Oct 2019, Health

The complainant has requested information associated with a named doctor. The Care Quality Commission (CQC) has withheld the requested information under section 40(2) of the FOIA (third person personal data) and section 41(1) (information provided in confidence). The Commissioner's decision is as follows: CQC is entitled to rely on section 40(2) of the FOIA to withhold the requested information. It is the personal data of a third person and disclosure would contravene a data protection principle. The Commissioner does not require CQC to take any remedial steps.

FOI 40: Complaint not upheld

[Decision notice FS50837774](#)

[East Kent Hospitals University NHS Foundation Trust](#)

16 Oct 2019, Health

The complainant has requested from East Kent Hospitals University NHS Foundation Trust ('the Trust') information associated with any due diligence it carried out on a particular developer. The

Trust initially said it did not hold any information falling within the scope of the request. It subsequently accepted that it holds some information that is broadly relevant. The Trust has confirmed that it will release some of the information but that the remainder is exempt information under section 41 of the FOIA (information provided in confidence) and section 43(2)(commercial interests), with the public interest favouring maintaining the latter exemption. The Commissioner's decision is as follows: The requested information is environmental information which should be handled under the EIR. The Trust can rely on the exception at regulation 12(5)(e) of the EIR (commercial information) to withhold the information that falls within the scope of part 2 of the request. The public interest favours maintaining this exception. The Trust is in breach of regulation 5(1) and 5(2) with regard to the information requested in part 1, as it has not made this information available to the complainant within the required timescale. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation: Release the information that it holds that falls within part 1 of the complainant's request.

EIR 5: Complaint upheld EIR 12(5)(e): Complaint not upheld

[Decision notice FER0871431](#)

[Barbourne Health Centre](#)

14 Oct 2019, Health

The complainant has requested information associated with its data protection officer. Barbourne Health Centre ('the Practice') has released some information, having originally withheld some of it under section 40(2) of the FOIA (personal data). It withheld other information under section 41 (information provided in confidence). The complainant has confirmed to the Commissioner that he is not satisfied that the Practice has released all the information it holds with regard to part 3 of his request. The Commissioner's decision is as follows: On the balance of probabilities, the Practice has now communicated to the complainant all the information it holds that falls within the scope of part 3 of the request. The Practice breached section 1(1) and section 10(1) because it did not communicate to the complainant all the information to which he was entitled within the statutory time frame of 20 working days. The Commissioner does not require the Practice to take any remedial steps.

FOI 10: Complaint upheld FOI 1: Complaint upheld

[Decision notice FS50831400](#)

[North East Ambulance Service NHS Foundation Trust](#)

11 Oct 2019, Health

In two requests, the complainant has requested information associated with North East Ambulance Service's ambulance provision on a specific date, its deployment of vehicles, particular targets and a policy. With regard to request 1, North East Ambulance Service (NEAS) provided some information and confirmed it does not hold some of the information. NEAS relied on section 12(1) (cost exceeds appropriate limit) to refuse to comply with elements of part 2 of request 1 and a second request the complainant subsequently submitted. NEAS considered some information requested in part 2 of request 1 is exempt information under section 24(1) (national security) and/or section 40(2)(personal data), with the public interest favouring maintaining the section 24 exemption. NEAS subsequently withdrew its reliance on section 12(1) with regard to the second request. The Commissioner's decision is as follows: NEAS has now complied with section 1(1) of the FOIA with regard to request 2 but breached section 10(1) as it did not comply with section 1(1) within the required timescale. NEAS can rely on section 12(1) of the FOIA to refuse to comply with

elements of part 2 of request 1. NEAS has not breached section 16(1) of the FOIA with regard to this request. Some information falling within the scope of part 2 of request 1 is exempt information under section 24(1) of the FOIA and the public interest favours maintaining the exemption. Elements of the information falling within the scope of part 2 of request 1 are exempt information under section 40(2), including some of the elements also covered by the section 12(1) exemption. The Commissioner does not require NEAS to take any remedial steps.

FOI 10: Complaint upheld FOI 40: Complaint not upheld FOI 16: Complaint not upheld FOI 24: Complaint not upheld FOI 1: Complaint not upheld FOI 12: Complaint not upheld

[Decision notice FS50821727](#)

[Northern Devon Healthcare NHS Trust](#)

7 Oct 2019, Health

The complainant has requested a copy of the investigation report into a medical director. The Northern Devon Healthcare NHS Trust (the Trust) refused to provide the requested information citing the exemption under section 40(2) of the FOIA (third party personal data) as its basis for doing so. The Commissioner's decision is that the Trust has correctly applied section 40(2) of FOIA to the withheld information. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

FOI 40: Complaint not upheld

[Decision notice FS50836928](#)

[NHS Business Services Authority](#)

7 Oct 2019, Health

The complainant has requested information about the dispensing of Stiripentol. The NHS Business Services Authority (the NHSBSA) refused to provide some of the requested information citing the exemptions under section 40(2) (third party personal data) and section 41(1) (information provided in confidence) of the FOIA as its basis for doing so. The Commissioner's decision is that the NHSBSA has incorrectly applied section 40(2) and section 41(1) of FOIA to the withheld information. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: to disclose columns B and C - the dispenser details where the total number of items fell below 5. The public authority must take these steps 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 40: Complaint upheld FOI 41: Complaint upheld

[Decision notice FS50832217](#)

[NHS England](#)

4 Oct 2019, Health

The complainant has requested information relating to the experiences black and ethnic minority individuals face as a result of being in environments or being brought up or living in areas where mostly everyone is white. Initially, NHS England advised the complainant that it does not hold any recorded information. However, during the Commissioner's investigation it accepted that it does hold recorded information of the nature specified in the request but considers the cost to comply would exceed the appropriate limit and therefore section 12 of the FOIA applies. The Commissioner's decision is that NHS England is entitled to rely on section 12 of the FOIA in this

case. She has however found NHS England in breach of section 1(1)(a), 10, 17(5) of the FOIA. She has also found NHS England in breach of section 16. This is because it claimed a later reliance on section 12, section 12 triggers a duty to provide advice and assistance and to date NHS England has not complied with this requirement. NHS England is required to provide advice and assistance to the complainant so far as it is reasonable to do so in accordance with its obligations under section 16 of the FOIA.

FOI 17: Complaint upheld FOI 10: Complaint upheld FOI 1: Complaint upheld FOI 12: Complaint not upheld

[Decision notice FS50819542](#)

DECISION NOTICES

Keyword: Adult Social Care (returned 0 in total)

1 October – 31 December 2019

A keyword search for Adult Social Care returned no decision notices for quarter three 2019/20.