



South, Central and West
Commissioning Support Unit

Freedom of Information Act

Guidance for Practices

What Is the Freedom of Information Act?

The Freedom of Information Act 2000 provides public access to information held by public authorities. The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

The Act does not give people access to their own personal information such as their health record. If a member of the public wants to see a copy of their records, they should make a [Subject Access Request](#) under the Data Protection Act.

What is the purpose of the Freedom of Information Act?

The main principle behind freedom of information (FOI) legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to. The Act only covers public authorities. Certain bodies are only covered for some of the information they hold, for example GPs, dentists and other health practitioners only have to provide information about their NHS work.

What information is covered by the Freedom of Information Act?

The Freedom of Information Act covers all recorded information held by a public authority. It is not limited to official documents and it covers, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings. Nor is it limited to information you create, so it also covers, for example, letters received from members of the public, although there may be a good reason not to release them.

Who can make an FOI request?

Anyone can make a freedom of information request – they do not have to be a UK citizen, or resident in the UK. Freedom of information requests can also be made by organisations, for example a newspaper, a campaign group, or a company. They do not have to give a reason for wanting the information.

What obligations do you have under the Freedom of Information Act?

There are two main obligations under the Act. Your practice is required to:

- publish certain information proactively – organisations need to publicise their commitment to proactive publication and the details of what is available and provide contact details for making a request. The ICO has provided a publication scheme template guide for general practitioners, which is available in appendix A
- respond to requests for information within **20 working days of receipt**

What makes an FOI request valid?

The key factors which determine if an FOI request is valid are that it needs to:

- be in writing
- include the requester's real name
- include an address for correspondence
- describe the information requested

Where somebody seems to be requesting information but has failed to make a valid freedom of information request, organisations should draw their attention to their rights under the Act and tell them how to make a valid request.

Can an FOI request be refused?

In some cases, there may be a good reason why information should not be provided. An FOI request may be refused if:

- The information requested is available elsewhere or is released as part of your practice Publication Scheme
- It would cost too much or take too much staff time to deal with the request (i.e. if it would take in excess of 18 staff hours)
- The request is vexatious
- The request repeats a previous request from the same person
- Complying with the request would be a breach of confidence
- Your practice does not hold the information requested

Additionally the Freedom of Information Act contains a number of [exemptions](#) that allow organisations to withhold information from a requester. In some cases this allows you to refuse to confirm or deny whether you hold information. For example if disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interests. There is also an exemption for personal data if releasing it would be contrary to the [General Data Protection Regulation](#) or the [Data Protection Act 2018](#).

If you are refusing all or any part of a request, you must tell the requester in writing and give the reason for the refusal.

Can you request more time to respond?

The Act does not allow extra time to respond to a request. Although if the request is ambiguous or you are not sure what is being requested, you should contact the requester as soon as possible for clarification, and the time for compliance will not begin until you have received the necessary clarification to allow you to answer the request.

Can you charge for the information?

You can charge in certain cases. The Act does not allow you to charge a flat fee but you can recover your communication costs, such as for photocopying, printing and postage. You cannot normally charge for any other costs, such as for staff time spent searching for information.

However, if the cost of complying with the request would exceed the cost limit you can offer to supply the information and recover your full costs (including staff time), rather than refusing the request.

What should you do when you receive a request for information?

There are two separate duties you need to fulfill:

- to tell the applicant whether you hold any information falling within the scope of their request; and
- to provide that information

Example response letters that you may use and adapt are available in Appendix B.

Additionally you can see FOI examples from all other public organisations at <https://www.whatdotheyknow.com/>

Further information

[ICO Freedom of Information guidance for organisations](#)

[BMA Freedom of Information Q&As](#)

Content in this document is based on guidance from the [Information Commissioner's Office](#)

Guide to Information provided by GPs under the model publication scheme

Under the Freedom of Information Act 2000 all public authorities are required to have and operate a publication scheme approved by the Information Commissioner. Doctors providing medical services under most contracts with the NHS in England, Wales and Northern Ireland are public authorities in respect of information relating to those services.

It is the intention of the Information Commissioner that all public authorities should adopt and operate the one model scheme that has been approved. This is a very general scheme based on the principal that all public authorities need to recognize the public interest in the transparency of the services provided for and paid for by the general public. It is a commitment to make information easily available to the public.

Note: The scheme is only for information held as a public authority and does not include any information that is not held, is held for other purposes or would be exempt from release.

The scheme requires three documents to be considered:

- the model scheme itself;
- our guidance on adopting and operating the scheme; and,
- a guide provided by the public authority indicating what information will be provided, how it will be provided and whether any charge will be made for its provision.

To assist medical practitioners who are public authorities we have produced the outline of a guide for their use. They should consider expanding elements of it to provide greater explanation and additional information where this can be done. For example if there are specific plans for the provision of NHS services these could be detailed. It is not necessary to submit the guide completed by the practice for approval.

We recognise that it is unlikely that GPs are going to have registers available for public inspection and while this remains the case “None held” can be entered in this section. Under policies and procedures we have listed the policies we would expect practices to have. Again if this is not the case, “Not held” can be entered in the relevant part. Any additional policies should also be listed.

Fees should be requested only where this is done in accordance with ICO guidance.

Information available from Vine Medical Centre under the Freedom of Information Act model publication scheme

Information covered by this scheme is only about the primary, general or personal medical services we provide under contract to the National Health Service.

Information to be published	How the information can be obtained (eg hard copy, website)	Cost
<p>Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p>	Website Contacting the practice Manager	NIL
Doctors in the practice	Website Contacting the practice Manager	NIL
Contact details for the practice (named contacts where possible with telephone number and email address (if used))	Website Contacting the practice Manager	NIL
Opening hours	Website Contacting the practice Manager	NIL
Other staffing details	Website Contacting the practice Manager	NIL
Meetings specifically with pharmaceutical companies and other medical suppliers. We would expect as a minimum that this information should include the name of the company, the date and, if appropriate, the name of the member(s) of staff attending (if recorded), together with a general indication of the category of meeting, for example marketing or promotion. The names of staff attending should include any senior managers and any medically qualified staff if this information is recorded.	By request to the Practice Manager	NIL
<p>Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>	From the Practice Manager	Cost dependent on time required to get information
Details on NHS funding received by the practice. We would expect practices to consider publishing as much information as practically possible including as much detail as possible.	From the Practice Manager	Cost dependent on time required to get information
Audit of NHS income	From the Practice Manager	Cost dependent on time required to get information

<p>Details of expenditure items over £10,000 - published at least annually but at a more frequent quarterly or six-monthly interval where practical.</p>	<p>From the Practice Manager/accountants</p>	<p>Cost dependent on time required to get information</p>
<p>List and value of contracts awarded by the practice. We would normally only expect the practice to publish details of contracts that are of sufficient size to have gone through a formal tendering process</p>	<p>From the Practice Manager</p>	<p>Cost dependent on time required to get information</p>

Staff allowances and expenses that can be incurred or claimed, with totals paid to senior staff members (for the purpose of this document, senior staff are defined as partners or equivalent level), by references to categories.	From the Practice Manager	Cost dependent on time required to get information
Pay policy	From the Practice Manager	NIL
Declaration of GPs' NHS income. The information made available as part of GPs' contractual obligation to publish their net income relating to NHS contracts, once this obligation is in force. A link may be provided to the information on a third party website, and /or a description of where this information is available.	Published every year on the website https://vine.gpsurgery.net/	NIL
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current and previous year as a minimum	From the Practice Manager	Cost dependent on time required to get information
Plans for the development and provision of NHS services	From the Practice Manager	Cost dependent on time required to get information
Performance data including performance against targets	From the Practice Manager	Cost dependent on time required to get information
Inspection reports by regulators by CQC and any other regulators	From the Practice Manager, report in the waiting room and on the website https://vine.gpsurgery.net/	NIL
Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous year as a minimum		
Records of decisions made in the practice affecting the provision of NHS services	From the Practice Manager	Cost dependent on time required to get information

<p>Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities)</p> <p>Current information only.</p> <p>Here we have listed the policies we would expect practices to have. Any additional policies should also be listed. Mark “not held” against any policies that are not actually held.</p>		
Policies and procedures about customer service	From the Practice Manager	NIL
Internal instructions to staff and policies relating to the delivery of services	From the Practice Manager	NIL
Policies and procedures about the recruitment and employment of staff	From the Practice Manager	NIL
Equality and diversity policy	From the Practice Manager	NIL
Health and safety policy	From the Practice Manager	NIL
Complaints procedures (including those covering requests for information and operating the publication scheme)	From the Practice Manager	NIL

Records management policies (records retention, destruction and archive)	From the Practice Manager	NIL
Data protection policies	From the Practice Manager	NIL
Policies and procedures for handling requests for information	From the Practice Manager	NIL
Class 6 – Lists and Registers		
Currently maintained lists and registers only		
We recognise that it is unlikely that GPs are going to have registers available for public inspection and while this remains the case “none held” can be entered in this section.	NONE HELD	
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	NONE HELD	
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public)		
Current information only		
The services provided under contract to the NHS	Practice Manager Website Surgery	NIL
Charges for any of these services	Practice Manager Website Surgery	NIL
Information leaflets	Surgery	NIL
Out of hours arrangements	Practice Manager Website Surgery	NIL

The ICO model publication scheme template for general practitioners is available to download [here](#).

1) Example request for clarification response

Dear

Request under the Freedom of Information Act 2000

Thank you for your letter of

I am unclear about the exact scope of the information in which you are interested. To enable us to identify and provide you with the right information, please could you clarify your request? I would be grateful if you could confirm

When you provide this information we will aim to send you a full response to your request within twenty working days of its receipt. I look forward to hearing from you shortly. However, please note that if I do not receive appropriate clarification of your request within three months from the date of this letter, I will consider this request to be closed.

Yours sincerely

2) Example provision of information response

Dear

Request under the Freedom of Information Act 2000

Thank you for your request for information received on relating to

I can confirm that we hold the requested information, and that the information below relates to

<insert practice name>

< Insert requested information >

You are advised that this information is provided in accordance with the Freedom of Information Act 2000 and is for your personal use. Any re-use of this information will be subject to the Re-Use of Public Sector Information Regulations (1 July 2005) and authorisation from <insert practice name> will be required. In the event of any re-use, the information must be reproduced accurately and not used in a misleading manner.

If you are not satisfied with the way in which we have dealt with your request for information, then in accordance with the Act you may ask us to conduct a review of our decision. In which case you should contact me at the above address.

If you remain unhappy with the decision after review you should contact:-

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

3) Example refusal of request response

Dear

Request under the Freedom of Information Act 2000

Thank you for your request for information received on relating to

Unfortunately we are not able to supply the information you have requested because

< Insert the appropriate reason for refusing the request, some examples are provided below >

- the information requested is already available here <insert where> (as per section 21 of the FOI Act)
- the information requested is released as part of our practice Publication Scheme which is available here <insert where> (as per section 21 of the FOI Act)
- the resources required to deal with your request would exceed the appropriate limit of 18 staff hours (as per section 12 of the FOI Act)
- the information requested is third party personal data and complying with your request would be a breach of confidence (as per sections 40 and 41 of the FOI Act)
- your request repeats your previous request of <insert date> . I have attached a copy of our response provided to you at this time
- we do not hold the information you have requested

If you are not satisfied with the way in which we have dealt with your request for information, then in accordance with the Act you may ask us to conduct a review of our decision In which case you should contact me at the above address.

If you remain unhappy with the decision after review you should contact:-

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely