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## FREEDOM OF INFORMATION POLICY

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## EXECUTIVE SUMMARY

The Trust recognises the importance of the Freedom of Information (FOI) Act 2000 and the Environmental Information Regulations (EIR) 2004 and to assist organisational compliance with the Act the Trust will endeavour to ensure that:

- The majority of information is made available through the model publication scheme.
- Other information is readily available on request.
- If the information requested is subject to an exemption, the Trust will, where appropriate, implement the public interest test to determine whether the information can be released.

Records management plays a key part in the Freedom of Information Act and it is vital that any information recorded must be written and stored in a professional, coherent way and information must be destroyed in accordance with Trust Information Lifecycle and Records Management Policy and the Department of Health (DOH) Records Management: NHS Code of Practice.

### *Director of Informatics*

## SCOPE AND PURPOSE

This policy applies to Stockport NHS Foundation Trust, referred to as the 'Trust', and includes all hospitals, units and community health services managed by Stockport NHS Foundation Trust.

This policy applies to all those working in the Trust, in whatever capacity. All staff should be aware of this policy and be able to recognise a Freedom of Information Act request. Requests that would have been dealt with as a matter of course before the FOI Act was introduced can continue to be dealt with at a departmental level, in line with this policy e.g. a request for a patient information leaflet. All other requests should be sent to the Information Governance team.

A failure to follow the requirements of the policy may result in investigation and management action being taken as considered appropriate. This may include formal action in line with the Trust's disciplinary or capability procedures for Trust employees; and other action in relation to other workers, which may result in the termination of an assignment, placement, secondment, or honorary arrangement.

This policy is intended to cover all records created during the business of the Trust, which are public records under the terms of the Public Records Acts.

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## ROLES AND RESPONSIBILITIES

Ultimate responsibility for Freedom of Information rests with the Chief Executive of the Trust, but all staff members who create, record, or use information, whether on paper or by electronic means, also have responsibilities under the Act and under this policy.

### Chief Executive

As the Accountable Officer the Chief Executive is responsible for:

- Making the final decision on what should be released in relation to the conduct of the affairs of the Trust.
- Considering issues of a contentious nature, in conjunction with the appropriate Executive Director, where the Information Governance Department have been unable to agree an outcome.

### The Information Governance Department

It is the responsibility of the Information Governance Team to:

- Promote organisational compliance with the FOI Act.
- Maintain the currency of this policy and promote the currency of the Publication Scheme.
- Promote FOI awareness throughout the organisation and provide training to all staff through the Trust's mandatory training programme.
- Ensure the general public has access to information about their rights under the FOI Act.
- Lead on the processing and handling of requests in liaison with the relevant managers, collate the information, prepare all responses and obtain approval for release.
- Provide updates on the handling of requests and outcomes to the Information Governance & Security Group.
- Assist with investigations into complaints and appeals.
- Liaise and work with other staff members responsible for information handling activities.

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## Divisions / Departmental Managers

Are responsible for ensuring that:

This policy is communicated and implemented within their area of responsibility.

Assistance is provided to the Information Governance Department by promptly providing the necessary information relating to their departments/divisions.

Where necessary, requests are directed, promptly, to the appropriate colleague who may be able to provide the information.

Information is supplied to the Information Governance Department when requested for inclusion within the Publication Scheme / Ad hoc requests, in a timely manner, and that information is proactively and routinely published on the Trust's website where required and where possible.

Evidence is retained for any decisions made not to disclose information i.e. cost/time estimates. If managers believe information is exempt advice from the Information Governance (IG) Department should be sought. The information should be forwarded to the Information Governance Department, specifying your concerns. The IG team will then review the information in respect of any exemptions. If an exemption applies to part of the document, the rest of the document would still be eligible for release.

They assist the Information Governance Department in dealing with any complaints arising out of an appeal against non-compliance with a request or appeals for a review of our decision to exempt information.

Information not included within the Scheme is created and stored in accordance with Trust Information Lifecycle and Records Management Policy, procedures and processes to enable easy location when required.

They are able to recognise FOI requests that are received directly.

Local administrative procedures are put in place to ensure any requests received directly are opened on receipt, date stamped and promptly sent to the IG department.

## Digital Technology and Support Department

Responsible for ensuring that the Trust information resources stored on the network files/folders and Intranet is available and maintained. The Web Site server is hosted externally.

## The Information Governance & Security Group

Responsible for:

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- Overseeing progress on the Trusts compliance with the FOI Act.
- Reporting on FOI issues to the Corporate Quality Board

## Head of Communications and the Trust Secretary

Responsible for:

- Authorising/approving requests for release on behalf of the Executive Team and the Chief Executive.
- Being the Trust Board representative for Freedom of Information issues ensuring that issues are raised with the Executive Team/the Board of Directors and passed to the Information Governance Department for action and that responses are fed back accordingly.

## Executive Directors

Responsible for:

- Considering issues of a contentious nature, in conjunction with the Chief Executive, where the Information Governance Department have been unable to agree an outcome.
- Consulting with the Information Governance department regarding any issues with requests.

## The Patient & Customer Services Department

Responsible for:

- Processing requests for information, which are part of a claim or complaint. Requests should be dealt with in line with the complaints policy, procedures and the Freedom of Information Act 2000 and in liaison with the FOI Lead.

## All Other Staff

Staff may contact the Information Governance department for advice/training on any aspect of the Act.

**All staff are responsible for:**

- The creation of their own records and for adhering to the Trusts Information Lifecycle and Records Management Policy, procedures and processes, and the Department of Health Records Management NHS Code of Practice.
- Informing their departmental or line managers of the creation of any new categories of information.
- Ensuring that any requests received locally are dated on receipt and forwarded immediately to the Information Governance Department unless they can be dealt with as 'business as usual requests' i.e. a straightforward request that you would

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have dealt with as a matter of course before the FOI Act came into force e.g. requests for information leaflets detailing service provision, contact details etc. The 20 working day deadline for a response must still be adhered to.

- Adhering to this policy, failure to adhere to this and its associated procedures may result in disciplinary action.

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## GLOSSARY OF TERMS

### Freedom of Information Act / FOI

Is a law passed by the Government that gives a general right of access to information from public services. The aim of the Act is to promote trust and confidence in our public services, including the NHS, by providing clear information and being open and transparent about what we do. The right under the Freedom of Information Act (the Act) and the Environmental Information Regulations (EIR) to request information held by public authorities, known as the right to know, came into force from January 2005. The Act is fully retrospective.

### Environmental Information Regulations (EIR)

Gives the public rights to environmental information in response to requests. The Regulations have similar requirements to that of the FOI Act and promote the publication of as much environmental information as possible in order to promote public participation in environmental decision making. There is a limited range of exemptions, all of which are subject to a public interest test and there is no upper limit for the cost of meeting a request beyond which the request may be refused.

### Re-use of Public Sector Information Regulations

The FOI Act gives the applicant the right to access information but does not give an automatic right to re-use the information. The Re-use of Public Sector Information regulations 2015 (updated within the Section 45 Code of Practice in July 2018) regulates how individuals or companies re-use public sector information and provides a licensing scheme for re-use.

### Publication Scheme

Section 19 of the Act obliges every public authority to adopt an approved Publication Scheme. The intention of a Publication Scheme is to require authorities to make certain kinds of information routinely available to the public. The ICO has approved (under section 20) a model scheme which is suitable for every public authority to adopt with effect from 1 Jan 2009.

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The ICO plans to actively monitor the adoption and operation of the publication scheme by undertaking spot checks by visiting organisations websites and, will issue an enforcement notice for non-compliance under the FOI Act.

## Public Interest Test

The public interest test favours disclosure where a qualified exemption or an exception applies. In such cases, the information may be withheld only if the public authority considers that the public interest in withholding the information is greater than the public interest in disclosing it.

## FOI Exemptions

Some information could be exempt from disclosure. There are 23 exemptions in the Act, some of which are 'absolute', some 'qualified', and 12 exceptions from disclosure in the EIR, all of which are qualified. Where information falls under an absolute exemption, the harm to the public interest that would result from its disclosure is already established, for example, in relation to personal information, or if disclosure would result in an actionable breach of confidence. If a public authority believes that the information is covered by a qualified exemption or exception it must apply the public interest test. The effect of the exemptions is that we may not be able to supply all or part of the information requested. If possible we will supply the information requested with the exempt information removed/redacted.

## Information Commissioner's Office / ICO

The role of the Information Commissioner's Office (ICO) is to enforce and promote the FOI Act and the EIR. It has responsibility for ensuring that information is disclosed promptly and that exemptions from disclosure are applied lawfully. The ICO is an independent body and promotes access to information, rules on complaints and takes enforcement action under the Act and the EIR. Anybody who has been refused information under this legislation has a right to complain to the ICO. All complaints made to the ICO will be fairly assessed and investigated in line with the powers and duties provided by the relevant legislation. Decisions will be made on the facts of each case.

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## THE PROCESS

### Publication Scheme

To comply with the Freedom of Information Act each Trust must comply with the Information Commissioner's (ICO's) model Publication Scheme, which sets out seven classes of information which should be published on a routine basis. The seven classes of information are as follows:

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- **Who we are and what we do** - Organisational information, structures, locations and contacts;
- **What we spend and how we spend it** - Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit;
- **What are our priorities and how are we doing** - Strategies and plans, performance indicators, audits, inspections and reviews;
- **How we make decisions** - Decision making processes and records of decisions;
- **Our policies and procedures** - Current written protocols, policies and procedures for delivering our services and responsibilities;
- **Lists and registers** and;
- **The services we offer** - Information about the services we offer, including leaflets, guidance and newsletters.

The ICO has also produced a 'Definition Document for Health Bodies in England' providing further detail about the information in each of the above categories. Information specified in the model publication scheme and the accompanying definition document must be made available on the Trust's website unless:

The information is not held;

- The information is exempt under one of the FOI exemptions or Environmental Information Regulations (EIRs) exceptions, or its release is prohibited under another statute;
- The information is archived, out of date or otherwise inaccessible; or,
- It would be impractical or resource-intensive to prepare the material for routine release.

The legal commitment is to the model publication scheme, and the Trust should look to provide as much information as possible on a routine basis.

The Publication Scheme should be regularly reviewed and updated to ensure the currency of information contained within it.

## Specific Requests

The Freedom of Information Act confers two general rights on the public, a right:

- To be informed whether a public body holds certain information, and
- To obtain a copy of that information.

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A request for information not included within the Publication Scheme must be made in writing, this includes via email, fax or post. Requests must contain the name of the applicant, give an address for correspondence (including email) and give a clear description of the information requested. Requests for Environmental Information submitted under the EIR may also be made over the telephone or in person.

The FOI Act is ‘applicant blind’. Therefore the Trust cannot ask the applicant for any further information about themselves.

It is important to understand that a request for information does not need to be marked as such; there is no need for the applicant to say they are making a Freedom of Information request. Essentially, this Act covers all requests for information. This is part of the reason why all staff need to be aware of this policy.

Where possible the information will be supplied in the format requested by the applicant. However, requests can be met by providing a copy of the original document, as a summary of the original or even by allowing the applicant to visit the Trust to read the document(s).

Whilst the Trust cannot ask the applicant the reason or purpose for their request, it can contact the applicant to seek clarification about the information requested and narrow down what might otherwise be a vague or broad request.

## Timescales

The obligation is to reply promptly to a request and in any event not more than 20 working days following receipt. These timescales also apply to requests for a review of our decision.

The Act makes a limited number of provisions for extra time to be taken in responding to a request.

- Fees/Clarification – the timescale is put on hold if, after initial consideration of the request, a fee is requested. The timescale remains on hold whilst waiting for the fee to be paid. Requests for which we have requested fees or further information/clarification and have not received such information will be closed after 3 months.
- Applying the public interest test – if the information being sought has to be considered under an exemption to which the public interest test applies then the timescale can be extended by a ‘reasonable period’. Although there is no statutory time limit on how long the ‘reasonable period’ may be it is generally considered to be no more than an extra 20 working days. If the public interest test is being considered the Information Governance Department will give the requestor an estimate of the date by which it expects to provide a response.

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## Fees

The Trust will charge no fee for documents contained within its Publication Scheme. However, fees may be charged for information outside the Scheme in accordance with the Fees Regulations published by the Department for Constitutional Affairs.

These regulations state that a fee may be charged where the cost of complying with a specific request would exceed the appropriate limit of £450. The appropriate limit has been specified in regulations and for public authorities it is set at £450. This represents the estimated cost of one person spending 18 hours at £25 per hour rate in determining whether the Trust holds the information, locating, retrieving and extracting the information. Section 12 of the Freedom of Information Act allows the refusal of a specific request if the cost of complying would be so disproportionate that the Trust could not comply even if the applicant were to pay.

A public authority may take account only of the costs it reasonably expects to incur in relation to the request in:

- (a) Determining whether it holds the information;
- (b) Locating the information or a document which may contain the information;
- (c) Retrieving the information, or a document which may contain the information; and
- (d) Extracting the information from a document.

The time it may take to redact exempt information or consider exemptions **cannot** be taken into account and a full breakdown of the costs/time scale estimates and how these were calculated should be retained by the relevant manager who holds the information and who has calculated cost/time estimates, as evidence of our decision.

In cases where an applicant requests information in a specific format, and where there is no statutory provision for charges, the Trust may charge for photocopying, reformatting and postage. Any charges must be justified and transparent. Current rates will be made available on the Trust's website.

## Recording of Requests

A written record of all disclosures of information should be retained. Requests processed through the formal FOI procedure should be recorded on the Datix Request for Information (RFI) module by the Information Governance team (see the FOI procedure).

All requests should be date stamped on receipt and acknowledged within 3-5 working days. The request will be sent on to the appropriate manager once acknowledged, who should aim to provide the information within 10 working days or at least no later than 5 working days in advance of the deadline to allow for formatting, exemptions to be considered and Trust Executive approval.

All Requests will be copied to the appropriate Information Governance Lead (member of the Information Governance & Security Group) to enable them to assist with managing deadlines.

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Requests from the press/media will be copied to the Trust Secretary and Head of Communications, for information.

## Exemptions

The rights within the Freedom of Information Act may be limited by the applicability of the exemptions. Several sections of the Act confer an absolute exemption on information. This has the effect of exempting the Trust from confirming or denying that the information exists, or from disclosing the information at all.

Other sections direct the Trust to weigh up whether the public interest in maintaining the bar on confirmation/denial or in maintaining the exemption is greater than the public interest in disclosing whether the public authority holds the information, or in disclosing the information at all.

All original requests for exempted information will be passed to the Information Governance Department, along with the information that is the subject of the request, to reconsider whether the information can be supplied.

Information, which should not be released, can be 'redacted' i.e. blacked out from any document. It must be made clear to the applicant that redactions have taken place, and the relevant exemption cited as to why the information has been redacted.

Information held by an authority must not be deleted or amended in order to avoid complying with a FOI request. Altering, defacing, blocking, erasing, destroying or concealing information in order to avoid providing it in response to an FOI request may constitute a criminal offence under section 77 of the FOI Act for which the person convicted will be held personally responsible. If requested information is deleted from any computer, hard copy records management system or electronic filing system in line with the Trust Information Lifecycle and Records Management Policy after a request is received, the information is not considered to be held by the Trust. This will only apply if it can be shown that the person who made the deletion had no knowledge of the request and that they were following standard records management practice and timetables when they deleted the information.

Protective Markings and descriptors (e.g. Restricted, Confidential) dictate how information is stored, copied and communicated within the department. The fact that a document is protectively marked does not necessarily mean that it is exempt from the right of access under the FOI Act. However, it may provide an indication that an exemption may apply to some or all of its contents. In order to ascertain whether protectively marked information falls within an exemption, consideration must be given to the sensitivity of the information at the time of a request for disclosure and whether any prejudice is likely to arise from its release at that time.

Early drafts of a document are information in their own right and must be considered as being separate to the final version, and, as with final documents, staff need to be mindful that draft documents may be made public. Decisions about whether to disclose them and

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when to do so must be made as with all other information by applying the public interest test. A separate decision needs to be made about each version of a document, whether it is a draft or final version.

If the Trust receives a vexatious request or repeated request it is not obliged to comply with the request. Decisions on whether a request is vexatious will be taken by the Information Governance Department, with the assistance of legal advice where necessary.

Repeated requests from the same person for information that has already been supplied to them will not be met unless there has been a “reasonable interval” between the requests. Reasonableness will be determined by the Information Governance Team.

Note that the exemptions refer to the public interests for and against release of the information, withholding a record or information because it may be potentially embarrassing to an individual or the Trust is not a legitimate reason for exemption.

If the Trust holds information requested we are legally obliged to provide the information to the applicant, unless an exemption applies, regardless of who owns the information (see appendix one).

## Third Party Information e.g. Contracts

Contract information falls under the publication scheme. Information about contracts that are large enough to have required a tendering process in accordance with financial regulations should be included on the Trust’s website. The information should include the department responsible, contract name and description, name of the company, contract awarded date, value and re-tendering date. This category should also include OJEC adverts and other contracts currently available for public tender.

The Trust is not required to obtain permission to make this information public. Generally suppliers agree to the standard NHS terms and conditions, which contain information about the FOI Act.

When considering the information to be released we can consult with any third parties that have provided the information. Exemptions may not apply to such information but considerations should be given to informing the third parties or obtaining their views on the release of information.

Staff should refer to the exemptions listed in Appendix 1 for a list of all the exemptions as well as the detailed guidance from the Information Commissioner which can be found by following the link below:

[FOI Exemption Guidance](#)

## Re-Use

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Although the Act does not give any right to re-use most of the information released in response to a request, there are specific provisions if that information is a dataset which can be disclosed under licence. Under the 2015 legislation (updated in the Section 45 Code of Practice in July 2018) the Trust is obliged to agree to a request for re-use unless it is restricted or there is a valid exemption. The Information Governance Department will determine whether or not a licence is required in accordance with the guidance available.

## Contact Details and Marketing

Contact details of senior members of staff would usually be disclosed i.e. where their role requires a significant level of personal judgement and individual responsibility.

More junior staff members may also be identified if the information requested relates primarily to the person's public function rather than their private life. In such cases permission would usually be requested before a disclosure is made. However the Trust is not required to obtain permission as employees should already be aware of the Acts existence.

Permission will not be sought where contact details relate to a public facing role or where the details have been previously released to the public on behalf of the Trust.

Responses would not usually include direct line telephone numbers or direct email addresses but the Trust switchboard telephone number and postal address only.

Where details are released the response will include a standard clause notifying the applicant that they must not use the details for unsolicited marketing and that appropriate remedies will be sought in respect of any unsolicited marketing information supplied.

## Advice and Assistance

Section 16 of the FOI Act and Regulation 9 of the EIR place a duty on public authorities to provide advice and assistance to those who propose to make and those who have made requests. Including the obligation to provide advice on how the applicant may clarify or modify their request as to enable it to be granted i.e. if the request was originally exempt or chargeable.

Where a person is unable to make their request in writing, the Trust is required to ensure that appropriate assistance is given to enable that person to make a request for information. This may include advising the person that someone else may be able to help them or make the request on their behalf. In exceptional circumstances, providing appropriate assistance may include offering to take a note of the information that is being requested and subsequently sending the note to the applicant for confirmation. If the applicant has not provided enough information for the request to be dealt with or is requesting advice and assistance, one of the following steps will be taken, depending on the situation.

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- Give guidance on how to access the information from the Trust under the Publication scheme or the general rights of access detailed above.
- Inform the applicant of the progress with their request.
- Explain the basis for any charges or fees levied or exemptions applied.
- Suggest routes through which the applicant may wish to access information, including directing them to other public organisations.
- Identify independent sources of help for applicants.
- Direct applicants to the complaints procedure and/or the Office of the Information Commissioner if they are dissatisfied with any outcome.

## Appeals and Complaints

### Internal Reviews/Appeals

In the first instance a request for a review of our decision not to supply exempt information should be made to the Trust. Requests should be submitted to the Information Governance Department (email: [FOI@stockport.nhs.uk](mailto:FOI@stockport.nhs.uk)). The request will then be allocated to a Director for a decision. The Director must not have had any involvement in the original request.

### Complaints

Any complaints about the Trust's Freedom of Information policy/procedures or Trust staff should be directed to the Trust's Patient & Customer Services department under the usual complaints procedure, which can be found on the Trust's website [www.stockport.nhs.uk](http://www.stockport.nhs.uk).

### External Reviews/Appeals or Complaints

Once the Trust's internal procedures have been exhausted applicants are also free to contact the Information Commissioner directly:

**Post:** Information Commissioner's Office,  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
**Tel:** 0303 123 1113  
**Fax:** 01625 524510  
**Email:** [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

## Enforcement

### Information Notice

An Information Notice may be served on a public authority where the Information Commissioner needs further information from the public authority in order to ascertain whether it has complied with part 1 or with the codes of practice or in order to investigate a complaint. This is a binding, enforceable notice.

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## Decision Notice

If the ICO is unable to resolve the matter informally he will issue a Decision Notice to both parties which outlines his view as to whether the public authority has complied with the FOIA. If the decision is that information should have been released he will instruct the public authority to do so. If either of the parties disagrees with the decision, there is a right of appeal to the Information Tribunal which may uphold, overturn, or vary the Notice. Decision notices are publically available on the Information Commissioner's website.

## Practice Recommendations

Where the Commissioner considers that the practice of a public authority does not conform to that proposed in the codes of practice he may give that authority a practice recommendation. Practice Recommendations are issued pursuant to section 48(1) of the Freedom of Information Act 2000. Regulation 16(5) of the Environmental Information Regulations 2004 provides that section 48(1) applies to environmental information. The Information Commissioner may issue a Practice Recommendation to indicate to a public authority the steps which it needs to take to conform to the Access and Records Management Codes of Practice.

## Enforcement Notice

The Information Commissioner has powers to require a public authority to address a failure to comply with the FOIA by means of issuing an Enforcement Notice. An enforcement notice is a legal order the Information Commissioner can make to require a public authority to address its failure to comply with the Act.

## ROUND ROBIN OR CIRCULAR REQUESTS:

If you receive a written questionnaire identify which questions amount to requests for information held on record and be ready to offer advice and assistance that is reasonable in the circumstances;

You should provide a response in line with the requirements of the legislation. If any questions invite comment or opinion that is not held on record, you can either:  
Provide the comment or opinion as part of your normal business activities; or  
Reply that the information is not held.

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## TRAINING

All staff must complete mandatory training on all aspects of Information Governance, this includes FOI. Any further training or advice can be sort from FOI & IG Support Officer or Head of Information Governance and Security/DPO

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## MONITORING COMPLIANCE

The Trust is committed to ensuring compliance with documents and will actively monitor the effectiveness of such documents.

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## Process for monitoring compliance with this policy

CQC Regulated Activities	Process for monitoring e.g. audit	Responsible individual/group/committee	Frequency of monitoring	Responsible individual/group/committee for review of results	Responsible individual/group/committee for development of action plan	Responsible individual/group/committee for monitoring action plan and implementation
	Internal Audit External Audit Compliance Statistics Publication Scheme Control and Guidance Document (Gap Analysis)	Information Governance & Security Group  Finance & Performance Committee	Annual Audit  Monthly compliance monitoring	Information Governance & Security Group  Finance & Performance Committee	Information Governance & Security Group	Information Governance & Security Group

## DOCUMENT LAUNCH AND DISSEMINATION

### Launch

The responsibility of implementing this document, including training and other needs that arise shall remain with the author. Line managers have the responsibility to cascade information on new and revised policies/procedures and other relevant documents to the staff for which they manage. Line managers must ensure that departmental systems are in place to enable staff including agency staff to access relevant policies, procedures, guidelines and protocols and to remain up to date with the content of new and revised policies, procedures, guidelines and protocols.

This policy is directly referenced to BS 1008 and any changes to policy need to be checked for compliance

### Dissemination

This document has been compiled by the Information Governance Team in consultation with Governance Leads for each Division by means of the Information Governance & Security Group. Once finalised the document will be approved by the Performance & Finance Committee. The document will then be displayed on the Information Governance & Security microsite on the Trust's intranet and on the Trust's website and governance leads should ensure the information is cascaded to all staff.

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## REFERENCES AND ASSOCIATED DOCUMENTATION

Information Lifecycle and Records Management Policy  
 Information Governance Policy  
 Data Protection & Confidentiality Policy  
 Access to Personal Information (Subject Access) Policy  
 Data Quality Policy  
 FOI Guidance Leaflet  
 FOI Standard Operating Procedure  
 Disciplinary Policy  
 BS 10008 – Evidential weight and legal admissibility of electronic information  
 Information Classification Policy

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## EQUALITY IMPACT ASSESSMENT

### Office Use Only

Submission Date:	<u>26.03.25</u>
Approved By:	<u>IGSG</u>
Full EIA needed:	Yes/No

### Equality Impact Assessment – Policies, SOP's and Services not undergoing re-design

1	<b>Name of the Policy/SOP/Service</b>	Freedom of Information policy	
2	<b>Department/Divisions</b>	Information Governance and IM&T	
3	<b>Details of the Person responsible for the EIA</b>	<b>Name:</b>	Joan Carr
		<b>Job Title:</b>	Information Governance Co-ordinator
		<b>Contact Details:</b>	Information.governance@stockport.nhs.uk
4	<b>What are the main aims and objectives of the Policy/SOP/Service?</b>	The policy outlines good practice and identifies the responsibilities of Trust staff in terms of Freedom of Information and should be read alongside the Trust's Information Lifecycle and Records Management Policy and professional codes of conduct.	

For the following question, please use the EIA Guidance document for reference:

5	<p><b>A) IMPACT</b></p> <p><b>Is the policy/SOP/Service likely to have a <u>differential</u> impact on any of the protected characteristics below? Please state whether it is positive or negative. What data do you have to evidence this?</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"><li>• What does existing evidence show? E.g. consultations, demographic data, questionnaires, equality monitoring data, analysis of complaints.</li><li>• Are all people from the protected characteristics equally accessing the service?</li></ul>	<p><b>B) MITIGATION</b></p> <p><b>Can any potential negative impact be justified? If not, how will you mitigate any negative impacts?</b></p> <ul style="list-style-type: none"><li>✓ Think about reasonable adjustment and/or positive action</li><li>✓ Consider how you would measure and monitor the impact going forward e.g. equality monitoring data, analysis of complaints.</li><li>✓ Assign a responsible lead.</li><li>✓ Produce action plan if further data/evidence needed</li><li>✓ Re-visit after the designated time period to check for improvement.</li></ul> <p><b>Lead</b></p>
Age	N/A – the policy is to advise on statutory	

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	compliance		
<b>Carers</b>	N/A – the policy is to advise on statutory compliance		
<b>Disability</b>	N/A – the policy is to advise on statutory compliance		
<b>Race / Ethnicity</b>	N/A – the policy is to advise on statutory compliance		
<b>Gender</b>	N/A – the policy is to advise on statutory compliance		
<b>Gender Reassignment</b>	N/A – the policy is to advise on statutory compliance		
<b>Marriage &amp; Civil Partnership</b>	N/A – the policy is to advise on statutory compliance		
<b>Pregnancy &amp; Maternity</b>	N/A – the policy is to advise on statutory compliance		
<b>Religion &amp; Belief</b>	N/A – the policy is to advise on statutory compliance		
<b>Sexual Orientation</b>	N/A – the policy is to advise on statutory compliance		
<b>General Comments across all equality strands</b>	The policy does not identify/categorise any equality strand – it concerns itself with legislated requirements which apply to all		

## Action Plan

What actions have been identified to ensure equal access and fairness for all.

Action	Lead	Timescales	Review & Comments

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<b>EIA Sign-Off</b>	<b>Your completed EIA should be sent to Equality, Diversity &amp; Inclusion Manager for approval:</b>  <a href="mailto:Equality@stockport.nhs.uk">Equality@stockport.nhs.uk</a>  <b>Tel : 0161 419 4784</b>
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## DOCUMENT INFORMATION

Type of Document			Policy	
Title			Freedom of Information	
Version Number			V8.1	
Consultation			Information Governance & Security Group	
Recommended By:			Head of Information Governance & Security / Data Protection Officer	
Approved By:			Information Governance & Security Group Digital and Informatics Group	
Approval Date			26 <sup>th</sup> March 2025	
Next Review Date			March 2027	
Document Author			Head of Information Governance & Security / Data Protection Officer	
Document Director				
For use by:			All Trust employees	
Specialty / Ward / Department (if local procedure document)				
Version	Date of change	Date of release	Changed by	Reason for change
8.1	Mar 25	Mar 25	IG	Review, update of job titles

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8.0	Mar 2023	Mar 2023	Information Governance Coordinator	Further update to IT responsibility and change of FOI Exec lead. Change of Business Group to Divisions. Update to Digital Technology and Support Department role
7.1	Mar 2021	Mar 2021	Information Governance Coordinator	Update IGSG responsibility and remove Records Management Group
7	Mar 2021	Mar 2021	Information Governance Coordinator	New Trust format
6.0	Feb 19	Feb 19		Refresh of document
5.0	Nov 16	Nov 16		Refresh of document
4.0	Aug 2014	Aug 2014		Refresh of document
3.1	Oct 2013	Oct 2013		Inserted information on how the Trust should deal with Round Robin requests under FOIA
3.0	Au 2012	Au 2012		Reviewed to reflect transfer of community services Responsibilities for Head of Communications now lie with the Trust Secretary. Inclusion of Corporate Records Management Group responsibilities.
2.1	Nov 2010	Nov 2010		Statements to the effect that the Director of Operations and Performance will approve responses on behalf of the executive team in the absence of the Head of Communications; that requests will be copied to the appropriate governance lead to assist with managing deadlines; requests from the media/press will be CC'd to the Head of Communications and; procedures for compliance issues.
2.0	Jun 2010	Jun 2010		Adopted the new Trust Policy format. Significant Changes Made. Including inclusion of roles & responsibilities;

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				definitions and; implementation and monitoring arrangements. Incorporated the requirement to adopt the model publication scheme and included enforcement risks.
1.1	Dec 2004	Dec 2004		Minor Changes
1.0	Dec 2004	Dec 2004		New Policy

## APPENDICES

### APPENDIX 1- Exemptions

#### Exemptions where the public interest test does not apply ('absolute exemptions')

**Section 21** - Information accessible to applicant by other means.

**Section 23** - Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates).

**Section 32** - Court records, etc.

**Section 34** - Parliamentary privilege (a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliaments, in respect of the House of Lords is conclusive proof that the exemption is justified).

**Section 36** - Prejudice to effective conduct of public affairs (only applies to information held by House of Commons or House of Lords).

**Section 40(2)** - Personal information - where the information concerns a third party and disclosure would breach one of the Data Protection Principles (where the applicant is the subject of the information. The applicant already has the right of 'subject access' under the Data Protection Act 2018).

**Section 41** - Information provided in confidence.

**Section 44** - Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court.

#### Exemptions where the public interest test applies ('qualified exemptions')

**Section 22** - Information intended for future publication.

**Section 24** - National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not arise).

**Section 26** - Defence.

**Section 27** - International relations.

**Section 28** - Relations within the United Kingdom.

**Section 29** - The economy.

**Section 30** - Investigations and proceedings conducted by public authorities.

**Section 31** - Law enforcement.

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**Section 33** - Audit Functions.

**Section 35** - Formulation of government policy, etc.

**Section 36** - Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords).

**Section 37** - Communications with Her Majesty, etc and honours.

**Section 38** - Health and safety.

**Section 39** - Environmental information as this can be accessed through the Environmental Information Regulations.

**Section 40(1)** - Personal information People cannot access personal data about themselves under the Freedom of Information Act as there is already access to such information under the Data Protection Act 2018. Personal data about other people cannot be released if to do so would breach the Data Protection Act.

**Section 42** - Legal professional privilege.

**Section 43** – Prejudicial to commercial interests.

Where a public authority considers that the public interest in withholding the information requested outweighs the public interest in releasing it, the authority must inform the applicant of its reasons, unless to do so would mean releasing the exempt information.

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