

Corporate policy

Freedom of Information Policy

Issue sheet

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Title	NHS Business Services Authority Freedom of Information Policy
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Revision details

Version	Date	Amended by	Approved by	Details of amendments
Initial release	30.05.2007	-	IGSG	N/A
1.0	3.11.2010	G Wanless	IGSG	<i>Added details of FOI deputies & updated FOI Lead responsibilities</i>
2.0	16.09.2012	G Wanless	A&PF	<i>Amended details of FOI deputies & updated FOI Lead responsibilities</i>
3.0	27.09.2013	G Wanless	A&PF	<i>Amended details of FOI deputies & updated FOI Lead responsibilities</i>
4.0	28.02.2014	C Gooday	A&PF	<i>Amended details of job roles</i>
5.0	24.03.2015	C Gooday	A&PF	<i>Annual Review</i>
6.0	21.03.2016	C Gooday	A&PF	<i>Annual Review</i>
7.0	15.11.2017	C Gooday	A&PF	restructured to meet requirements of ISMS
8.0	08.12.2020	C Gooday	A&PR F	Amended issue sheet

9.0	26.04.2023	C Gooday	IG Specialists	Annual Review
10.0	23.10.2023	C Gooday	BISG	Update request clarification and IR timescales and clarify that need to provide IG team with all information

1. Policy Summary

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

2. Introduction

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

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

3. Scope

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

3.2. FOI and EIR apply to all recorded information that is held for or on behalf of the NHSBSA as a public authority. Requests for information held by the NHSBSA on behalf of another organisation need to be answered by that organisation.

3.3. This policy does not cover Subject Rights Requests (requests from individuals or their representatives) to access, amend, or object to the processing of their own personal data. The responses to such requests are exempt from the Freedom of Information Act under Section 40(1) and are processed in accordance with Data Protection law. Subject Rights Requests fall within the scope of the Data Protection and Confidentiality Policy.

4. Objectives

4.1. The objectives of this policy are:

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

5. Key outcomes (or Expected Results)

5.1. The NHSBSA will respect the information rights of everyone and thereby maintain a good reputation with customers, staff and stakeholders regarding its handling of the large volume of information it processes.

5.2. The NHSBSA will avoid regulatory enforcement action, together with the associated complaints, negative publicity, reputational damage, and the cost of changing work practices.

6. Principles

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

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

6.3. Requestors will be entitled to all information requested unless one or more of the statutory exemptions under FOI or exceptions under EIR applies. However, only those specific pieces of information to which the exemption applies will be withheld. Where exemptions may apply all of the information requested will be disclosed to the Information Governance team so that a fully informed assessment of the exemptions can take place.

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

6.5. Any anonymisation of personal data prior to disclosure will be to the NHSBSA [Anonymisation and Pseudonymisation Standard](#).

6.6. The NHSBSA aims to respond to all requests within 20 working days (though this may be extended if NHSBSA require more time to consider a Public Interest Test (PIT)). If clarification of the request is sought, the response time frame will be reset until such clarification is received from the applicant. The applicant has 40 working days in which to provide clarification, before their request is considered closed.

6.7. The NHSBSA may undertake a consultation, in accordance with the [Section 45 Code of Practice](#), about the response to a request where:

- The views of the third party may assist in determining whether an exemption under FOI or EIR applies, or
- The views of the third party may assist in determining where the Public Interest lies.

6.8. Any appeal against a disclosure decision will only be considered within 40 working days of that decision. Appeals will be considered by the Information Governance Team via an Internal Review.

6.9. Information may be proactively published, rather than by awaiting an FOI request:

- As determined by the [ICO Model Publication Scheme](#) or

- As agreed with the Information Asset Owner, and where appropriate, the representatives of affected stakeholders.
- [Information Services Publication strategy](#)

6.10. Information disclosed will be subject to the [Open Government Licence](#) which permits commercial re-use of information within the terms of that licence.

7. Related policies.

7.1. This policy follows:

- Information Security Policy
- Data Protection and Confidentiality Policy

7.2. The NHSBSA strategy, policy, and guidance documents governed by or related to this policy are:

- Records Management Policy
- NHSBSARM012 Corporate records retention schedule
- FOI Policy Responsibilities Standard

8. Penalties

8.1. Any Staff who violate this policy will be subject to disciplinary action up to and including dismissal, and/or criminal prosecution.