

Freedom of Information (FOI) Act 2000 Policy

Reference number:	LLR ICB CORP / 037
Title:	Freedom of Information (FOI) Act 2000 Policy
Version number:	Version 1.1
Policy Approved by:	Initial approval by the LLR ICB Board (subsequent approvals by LLR ICB Executive Management Team)
Date of Approval:	September 2025
Date Issued:	September 2025
Review Date:	Every three years
Document Author:	Head of Corporate Governance (and Data Protection Officer) Corporate Governance Manager (Corporate Affairs & Information Governance)
Executive Lead:	Chief Finance Officer (and Senior Information Risk Owner)

Version Control

Version number	Approval / Amendments made	Date (Month Year)
1.0	<ul style="list-style-type: none">NHS East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) Policy adopted for the LLR ICB as approved at the establishment of the LLR ICB on 1 July 2022.	July 2022
1.1	<ul style="list-style-type: none">Policy reviewed and minor amendments made to clarify information as follows:<ul style="list-style-type: none">reference to the Environmental Information Regulationsemail address and postal address where information requests can be receivedtimescale for clarification of requestsRemoval of Appendix regarding Freedom of Information leaflet and the previous Publication Scheme.	September 2025

Document Status:

This is a controlled document. Whilst this document may be printed, the electronic version available to staff via the shared network drive is the controlled copy. Any printed copies of the document are not controlled.

Related Documents:

This document will reference additional policies and procedures, which will provide additional information.

All policies can be provided in large print or Braille formats upon request. An interpreting service, including sign language, is also available.

CONTENTS	Page
Introduction to the Freedom of Information Act	4
Policy Statement	4
Scope of the Policy	5
Statutory Requirements of the Act	5
Definitions	6
Roles and Responsibilities	6
General Rights of Access to Information (How to make a request)	9
Responding to requests	10
Format of information requested	11
Charging for requested information	11
Requested information held by another public authority	12
Refusal to supply information requested and Exemptions	12
Requests for decisions to be reviewed	13
Publication Scheme	14
Contracting agreements between the LLR ICB and its suppliers	14
Accepting information in confidence from third parties	14
Policy review	14
Training	14
Monitoring and audit arrangements	15
Appendices:	
• Appendix 1 - Definitions	16
• Appendix 2 - FOI Internal Process Flow Diagram	18
• Appendix 3 - Exempt Information under Part II of the Freedom of Information Act 2000	20

Introduction to the Act

1. The Freedom of Information Act 2000 is part of the Government's commitment to greater openness in the public sector, a commitment supported by NHS Leicester, Leicestershire and Rutland Integrated Care Board hereafter "LLR ICB"). The Freedom of Information Act 2000 (the FOI Act) will further this aim by helping to transform the culture of the public sector to one of greater openness.
2. The main features of the FOI Act are:
 - A general right of access from 1st January 2005 to recorded information held by public authorities, subject to certain conditions and exemptions;
 - In cases where information is exempted from disclosure (except where an absolute exemption applies) a duty is placed on public authorities to:
 - (i) Inform the applicant whether they hold the information requested, and
 - (ii) Communicate the information to him or her, unless the public interest in maintaining the exemption in question outweighs the public interest in disclosure;
 - Where possible the information should be supplied in the format requested by the applicant;
 - Requests for access to environmental information will be exempt under the FOI Act but will be dealt with under the Environmental Information Regulations 2004 (EIR).
 - Places a duty on every public authority to adopt and maintain a Publication Scheme.
 - It established the office of Information Commissioner with wide powers to enforce the rights created by the FOI Act including powers to levy fines and to promote good practice, and Information Tribunals to deliver compliance judgements concerning the application of the FOI;
 - A duty on the public body to assist applicants to make requests under the Act (which includes taking any Equality and Diversity needs into account);
 - Places a duty on every public authority to respond to a request within a set time frame of 20 working days.

Policy statement

3. The Freedom of Information Act 2000 Policy applies to Leicester, Leicestershire and Rutland Integrated Care Board (LLR ICB).
4. The LLR ICB will ensure that it complies with the Freedom of Information Act 2000

and associated Codes of Practice. LLR ICB will:

- Ensure that requests for information are processed in accordance with the statutory requirements set out in the Freedom of Information Act. Where information requests relate to environmental information these will be processed in line with the Environmental Information Regulations.
 - Maintain a register of all requests for information made under the legislation, and record what actions are taken for each request.
 - Ensure procedures are in place to review the LLR ICB's arrangements for administering and managing requests for information;
 - Ensure that all staff who receive requests for information manage the request;
 - Work to systems that comply with the audit requirements of the legislation;
 - Provide an internal review system to address any appeals to decisions taken under Freedom of Information Act.
5. The LLR ICB aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and advances equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) or sexual orientation.

Scope of the Policy

6. This Policy applies to all staff, members of the LLR ICB Board (including Non-Executive Members), agency and interim staff working within all areas across the LLR ICB.
7. This Policy applies to all information held by the LLR ICB in any form.

Statutory requirements of the Freedom of Information Act

8. The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:
- Public Authorities are obliged to publish certain information about their activities; and
 - Members of the public are entitled to request information from public authorities.
9. 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. Recorded information includes printed documents, computer files, letters, emails,

photograph, and sound or video recordings.

10. Under section 46 of the FOIA 2000, the Lord Chancellor's Code of Practice stresses the importance and benefits of having good records management systems and processes. As such, the Information Commissioner's Office (ICO) published guidance on 'Official Information held in Private Email Accounts', which states that public authorities are strongly advised that any recorded information held by individuals, regardless of its format, is held on behalf of the public authority and therefore, subject to FOI Act. For further information, see the ICO website: www.ico.gov.uk
11. The Freedom of Information Act does not give people access to their own personal data, if a member of the public wants to see information that the public authority holds about them, they should make a subject access request under Data Protection Act 2018.
12. The Act requires public authorities to:
 - a. have in place a procedure to manage the general right of access to recorded information held, subject to certain conditions and exemptions;
 - b. to comply with the duty placed on every public authority to adopt and maintain a Publication Scheme and ensure it is easily accessible;
 - c. to seek advice from the Office of the Information Commissioner, if unsure whether an exemption applies;
 - d. to implement the Lord Chancellor's (now Department for Constitutional Affairs) Codes of Practice;
 - e. to ensure there is a designated person with specific responsibility for Freedom of Information Act within the public authority known as the Freedom of information lead;
 - f. to ensure everyone within the public authority understands that they are contractually responsible for following good Freedom of Information Act practice;
 - g. to ensure everyone within the organisation is appropriately trained and has an understanding of Freedom of Information Act and their rights;
 - h. to provide appropriate managerial support to staff likely to be dealing with Freedom of Information Act requests;
 - i. ensure people wanting to make a request to the organisation for information knows how to do this;
 - j. answer Freedom of Information Act queries promptly and within 20 working days;
 - k. undertake regular review and audit the way decisions to withhold information are managed.

Definitions

13. Please see **Appendix 1** for a list of definitions.

Roles and Responsibilities

14. **The LLR ICB Board** has a duty to ensure that the requirements of the Freedom of

Information Act 2000 are upheld.

15. **Chief Executive Officer** has overall responsibility for ensuring that all laws are implemented across the LLR ICB including the Freedom of Information Act 2000. In addition, the Chief Executive Officer also acts as the LLR ICB's appropriate 'qualified person' in relation to the citing of section 36 of the Freedom of information Act (information prejudice to the effective conduct of public affairs).
16. **Chief Finance Officer** has delegated authority from the Chief Executive Officer to oversee the implementation of the Freedom of Information Act Policy and related processes and, maintenance of the Publication Scheme.
17. **Head of Corporate Governance is** responsible for implementation of the Freedom of Information Act Policy. They are also responsible for reviewing the Policy and Publication Scheme to ensure constant compliance with legislation and by directing the Corporate Governance Team who are responsible for the operation of a centralised Freedom of Information request management service ensuring that:
 - a. senior management are kept regularly informed of the operation of the Freedom of information including volume and types of requests, issues encountered and requests for review received (both by the organisation and via the Information Commissioners office);
 - b. decisions on whether an exemption applies and the consultation with the Head of Corporate Governance in taking a final decision;
 - c. the internal review system for Freedom of information is operated effectively and that applicants are kept fully informed of progress;
 - d. communications with the Information Commissioner's office is managed in a timely manner;
 - e. publicity material on Freedom of Information Act is provided to all staff and to the public;
 - f. staff have a good awareness of how to handle or direct Freedom of Information requests.
18. The Head of Corporate Governance acts as the FOI lead. The Chief Finance Officer devolves the day-to-day management of the FOI service to the **Corporate Governance Team**.
19. **The Head of Corporate Governance and the Corporate Governance Team are also** responsible for keeping relevant staff groups updated with the latest Freedom of Information Act developments. The Freedom of Information lead will report findings to the Executive Management Team.
20. **The Corporate Governance team will:**

- a. Decide where necessary to discuss more complex requests with the Head of Corporate Governance and/or information owners, and seek advice as necessary;
- b. Compute fees and charges as necessary and communicate fee notices to applicants;
- c. Will be responsible for maintaining LLR ICB Publication Scheme;
- d. Assess completed Freedom of Information requests to determine if the supplied information should be included in the publication scheme;
- e. Review the publication scheme on a six monthly basis to ensure that it remains aligned to both the model scheme and the LLR ICB's aims and objectives, and report findings to the Head of Corporate Governance.
- f. Be responsible for provided the administrative support for FOI and will:
 - Be responsible for the day to day processing of requests and reports
 - be the LLR ICB's contact on Freedom of Information matters;
 - log Freedom of Information requests;
 - send response communications to applicants;
 - liaise with applicants, providing advice and assistance as necessary;
 - identify and contact information owners to obtain requested information this will be via the nominated directorate FOI contact.

21. **Head of Corporate Governance** is also responsible for the implementation of information governance within the LLR ICB and specifically will:

- a. liaise as required with the members of the Executive Management Team on complex Freedom of Information requests;
- b. ensure that the *LLR ICB's Records Management and Lifecycle Policy* is fully implemented to support the management of Freedom of Information requests;
- c. undertake and maintain an organisation-wide information and records audit (as required by the Data Security Protection Toolkit) to facilitate the location of authentic and accurate information in a timely fashion to support Freedom of Information requirements.

22. **All Executive Officers** will appoint a key contact for the Freedom of Information coordinator to liaise with and to collate a response to the Freedom of information request. It is the individual Chief Officers responsibility to ensure that any information that is passed on to the Corporate Governance Team is appropriate to release and is accurate.

Please refer to **Appendix 2**, which details the internal process LLR ICB has adopted for dealing with FOI and EIR requests.

23. **All LLR ICB staff, agency / interim staff and members of the LLR ICB Board:**
- a. Must be aware of their obligations and duties under Freedom of Information Act;
 - b. Be required to take relevant training appropriate to their roles;
 - c. Must forward all requests for information made under the Act to the Corporate Governance Team.

General rights of access to information

24. The Freedom of Information Act give a 'general right of access' to recorded information held by LLR ICB, subject to certain conditions and exemptions contained in the Act. Simply put, any person making a request for information to the LLR ICB is entitled:
- a. to be informed in writing whether LLR ICB holds the information of the description specified in the request, and
 - b. if the LLR ICB holds the information to have that information communicated to them.
25. These provisions are fully retrospective in that if the LLR ICB holds the information it must provide it, subject to certain conditions and exemptions.
26. A request for information under the 'general rights of access' must be received in writing and;
- a. state the name of the applicant;
 - b. and an address for correspondence;
 - c. and describe the information requested.
27. For the purposes of Freedom of Information Act, a request is to be treated as made in writing if it is transmitted by electronic means, is received in legible form and is capable of being used for subsequent reference. If an e-mail address is included this is considered to be a sufficient address.
28. A request for information does not necessarily need to mention the FOI Act in the

request. The Corporate Governance Team will identify if the request should be processed under the Freedom of Information Act or alternative regulations and advise the applicant accordingly.

29. All requests for information, including requests for information under the Freedom of Information Act, should be sent to the LLR ICB Corporate Governance Team via llricb-llr.FOI@nhs.net or by post to:

Corporate Governance Team
NHS Leicester, Leicestershire and Rutland Integrated Care Board
Room G30, Pen Lloyd Building
County Hall, Glenfield
Leicester, LE3 8TB.

30. Some requests are sent to a number of NHS organisations. The LLR ICB will liaise with other LLR ICBs in the local area and region, where appropriate, to identify **‘round robin’ requests**. It is important that the LLR ICB liaises with other neighbouring LLR ICBs regarding any suspected round robins so that other NHS organisations can be made aware and liaise between themselves appropriately. This may include contacting NHS England who then may issue advice to ensure a co-ordinated response across the region or nationally. This advice will normally prove sufficient for the LLR ICB to process the request without further involvement, but there may be occasions when guidance needs further refinement because of the particular circumstances of the LLR ICB.

Responding to requests

31. The Corporate Governance Team will make an appropriate acknowledgement to the applicant within 3 working days of receiving the request.
32. The LLR ICB is required to make a full response to requests for information within 20 working days of receiving a request, the timeframe commences the first working day after the request is received and excludes weekends and public holidays. Where the LLR ICB needs clarification from the applicant to understand the request, the 20 working day clock does not commence until the clarification is received. Where clarification is not received within 40 working days of the request, the information request will be closed.
33. If the information requested by the applicant incurs a charge or a fee the 20 working days starts from the date the payment is received.
34. Where the information may take longer to assemble than 20 working days the applicant will be informed and an agreed alternative date will be advised.
35. If the LLR ICB decides to refuse a request on the grounds of the information being exempt, the applicant will be advised in writing. The advice will set out under which exemption the information requested is being denied.
36. There is not a requirement in the Act to create datasets purely for publication, nor to

update datasets that in the normal course of business would not be updated by the LLR ICB.

37. As with draft documents, datasets that are incomplete or in draft can be requested and disclosed. The same provisos apply in that disclosure should take place unless an exemption applies in whole or in part.
38. It is key to be clear about what is a 'dataset'. Dataset is defined in the act in section 11(5), in plain English it can be defined as:

'A collection of information in electronic form, where all or most of the information has been recorded or obtained to provide service or other organisational function. The information must be factual and not subject to analysis or interpretation (other than calculation). It must also be effectively 'source' data that has not been organised, adapted or materially altered'.

Format of information requested

39. When an applicant expresses a preference for communication by any one or more of the methods listed below;
 - a. to provide the information in the form requested or an alternative acceptable to the applicant;
 - b. provide a reasonable opportunity to inspect a record containing the information;
 - c. provide with a summary of the information in permanent form or in another form acceptable to the applicant.
40. LLR ICB will meet their preference in so far as is reasonably practicable. In deciding whether it is reasonably practicable to communicate information by a particular means, the LLR ICB will consider all the circumstances, including the cost of doing so.
41. If the LLR ICB decides that it is not reasonably practicable to comply with any preference expressed by an applicant, LLR ICB will notify the applicant of the reasons for its decision and will provide the information by whatever means it believes to be reasonable in the circumstances.

Charging for requested information

42. In order to make information accessible to those who cannot access it electronically LLR ICB will not charge for information that is included in its Publication Scheme.
43. Where the LLR ICB makes a charge for information requested under the general right of access and the information is not a part of the Publication Scheme, the charge made will be as outlined in the National Fees Regulations. These set an appropriate limit on costs of compliance, a manner in which an appropriate fee may be calculated and

circumstances in which no fee should be levied.

44. When the LLR ICB charges for information requested under general rights of access, a fees notice will be issued to the applicant as required by Freedom of information Act. Applicants will be required to pay any fees within a period of three months beginning with the day on which the fees notice is sent to them. The information will be sent upon payment of the fee requested. If the fee remains unpaid after 3 months, the request becomes lapsed.
45. The LLR ICB will provide information, which in an effort to provide it would exceed the recommended cost limit of £450, even if the applicant is prepared to pay more.
46. The LLR ICB may levy a fee for providing information including the cost of photocopies, CDs, floppy disks etc. These are set out under the LLR ICB Publication Scheme and can be found online <https://leicesterleicestershireandrutland.icb.nhs.uk/>

Requested information held by another public authority

47. Upon receiving the initial request for information, the LLR ICB will always process it in respect of the information relating to the request that it holds. The LLR ICB will also advise the applicant that it does not hold part of the requested information, or all of it, whichever applies. Before doing this, the LLR ICB must be certain how much of the requested information it holds itself.
48. If the LLR ICB believes that some or all of the information requested is held by another public authority, the LLR ICB will consider what would be the most helpful way of assisting the applicant with his or her request. In most cases this is likely to involve:
 - a. suggesting that the applicant re-applies to the other authority which the LLR ICB believes holds the information;
 - b. providing the applicant with contact details for the other authority.
49. Where the LLR ICB is unable either to advise the applicant who holds, or may hold, the requested information, the LLR ICB will consider what advice, if any, it can provide to the applicant to enable them to pursue their request.

Refusal to supply requested information and Exemptions

50. The LLR ICB has a duty to 'confirm or deny' that it holds the requested information and, if it is subject to an exemption, which exemption applies. The duty to confirm or deny is only not required in exceptional circumstances where to do so would in effect disclose the actual information itself.
51. In considering whether information can be released in response to a request, the LLR ICB will consider whether one of the qualified exemptions or absolute exemptions is applicable to the information. In line with the spirit of the Act, the LLR ICB will seek to use the exemptions sparingly and will justify the use of such exemptions in full.

The full list of exemptions under Part II of the Act is specified in **Appendix 3**.

52. The LLR ICB can refuse to supply the information requested in a number of circumstances:
- a. a fee notice has been issued under section 9 of the Act and the fee has not been paid within a period of three months beginning with the day on which the fees notice was given to the applicant,
 - b. it is estimated that the cost of compliance with the request for information exceeds the 'appropriate cost limit' as set by the Act
 - c. LLR ICB can demonstrate that the request for information is inappropriate or repeated.
53. If the LLR ICB refuses a request for information the applicant must be informed of the reasons for this decision within 20 working days. The applicant will also be informed of the procedure for requesting a review of the decision by the LLR ICB.
54. The LLR ICB is not obliged to comply with a request for information if the request is 'inappropriate', or where the LLR ICB has previously complied with a request for information from an individual unless a reasonable interval has elapsed since the previous request.
55. There may be times where the disclosure of information cannot be made without consulting third parties in order to consider whether the information is suitable for disclosure, for instance, where the information request relates to bodies other than the LLR ICB.
56. The LLR ICB will keep a record of all notices issued to refuse requests for information. The LLR ICB will log all requests for information for monitoring purposes and will be able to identify repeated or inappropriate requests.

Requests for decisions to be reviewed

57. In the unlikely event that the applicant is dissatisfied with the response to their request or the way in which the request was handled, the applicant has a right to ask the LLR ICB to review its decision. Individuals are advised of this right and the procedure to request a review in the decision letter (i.e. the letter responding to the request for information). This procedure is independent of the LLR ICB's complaints procedure. A request to review a decision must be made within 40 working days from the date of the decision letter and addressed to the Head of Corporate Governance. A request to review a decision received outside of the 40 working days will not be considered.
58. If an applicant remains dissatisfied with the response to their request / a refusal to disclose information following a review, they can complain to the Information Commissioner's Office at the address below:

Information Commissioner's Office Wycliffe

House
Water Lane,
Wilmslow, Cheshire,
SK9 5AF

59. The number of requests for review arising under Freedom of Information will be included in the FOI Report to the Executive Management Team.

Publication scheme

60. Under section 19 of the Freedom of Information Act, public authorities have a duty to adopt and maintain a publication scheme approved by the Information Commissioner.
61. The publication scheme sets out the kinds of information that a public authority should routinely make available. The information should be easy to find and use. The LLR ICB's Publication Scheme conforms to the requirements of the Information Commissioner's Office Model Publication Scheme which can be viewed at www.ico.gov.uk
62. The LLR ICB's Publication Scheme, which is a live document and will be kept under regular review. In particular, information supplied in response to Freedom of Information will be considered for addition to the publication scheme in addition to the FOI Disclosure Log available on the LLR ICB website. The LLR ICB information aligned to the Publication Scheme is published on the LLR ICB's website.

Contracting agreements between the LLR ICB and its suppliers

63. When entering into contracts the LLR ICB will not include contractual terms, beyond those permitted by the Freedom of Information Act, which aim to restrict the disclosure of information held by the LLR ICB in relation to the contract. Unless an exemption under the Freedom of Information Act applies to a request, the LLR ICB is obliged to disclose that information in response to a request, regardless of the terms of any contract.

Accepting information in confidence from third parties

64. The LLR ICB will only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the authority's functions and it would not otherwise be provided. Acceptance of any confidentiality provisions must be for good reasons and be capable of being justified to the Information Commissioner.
65. The LLR ICB will not agree to hold information received from third parties 'in confidence' which is not confidential in nature.

Policy review

66. This Policy will be reviewed every three years to ensure it remains compliant with

legislation.

Training

67. The LLR ICB will provide training in enable staff to fulfil their duties and responsibilities under the Act.
68. The information governance training module provides an overview of the FOI Act and requirements. All staff at the LLR ICB are required to undertake the mandatory Information Governance training module as part of the mandatory training.
69. The Corporate Governance Team will provide FOI training to ICB staff who support the processing of information requests under the Act every 3 years. Any specific training needs identified to ensure compliance with the Act and this Policy will be provided upon request.

Monitoring and audit arrangements

70. Monitoring of compliance with this Policy will include information on numbers of requests completed within the 20 working day deadline and appeals against disclosure decisions. This information will be reported to directorate leads with reports to the Executive Management Team at least annually, more frequent if required.
71. Adherence to this Policy will be audited annually as part of the Data Security and Protection Toolkit requirements.
72. A review of the contents of this Policy will take place every three years, unless required sooner due to a change in legislation. The review will be led by the Head of Corporate Governance.
73. The Data Security and Protection Toolkit module provides an overview of the FOI Act and requirements. All staff at the LLR ICB are required to undertake the mandatory Information Governance training module as part of the mandatory training and this will be audited on an annual basis.

Appendix 1

Definitions

Absolute exemption – applied to information that does not have to be released to the applicant either through a Publication Scheme or through the general right of access under the Act.

Information to which an absolute exemption applies does not require a public authority to take a test of prejudice or the balance of public interest to be in favour of non-disclosure. Reference to absolute exemptions can be found in Part I, section 2 and Part II of the Freedom of Information Act.

Applicant - the individual(s), group or organisation requesting access to information under the Act.

Department for Constitutional Affairs - The Department for Constitutional Affairs is responsible for the efficient administration of justice in England and Wales. Broadly speaking the Department is responsible for:

- a. The effective management of the courts.
- b. The appointment of judges, magistrates and other judicial office holders.
- c. The administration of legal aid.
- d. The oversight of a wide programme of Government civil legislation and reform in such fields as human rights, freedom of information, data protection, data sharing, family law, property law, electoral & referenda law, defamation and legal aid.

Duty to confirm or deny - any person making a request for information to a public authority is entitled to be informed in writing by that authority as to whether or not the public authority holds the information specified in the request.

Fees notice – a written notification issued to an applicant stating that a fee is payable. The fees notice exempts public authorities from being obliged to disclose information until the fee has been paid. The applicant has three months from the date of notification to pay the fee before their request lapses.

Fees regulations – national regulations that will prohibit a fee with regard to certain types of request, set an upper limit on amounts that may be charged and prescribe the manner in which any fees are to be calculated. The regulations will not apply where provision is made under another Act as to the fee that may be charged for the provision of particular information.

General right of access - Section 1 of the Act confers a general right of access to information held by public authorities. An applicant has a right to be told whether the information requested is held by that authority and, if it is held, to have it communicated to them. Provisions limiting an authority's duty under section 1 appear in sections 1(3), 2, 9, 12 and 14 and in Part II of the Act. Sections 9, 12 and 14 relate to the request itself and the circumstances in which an authority is not obliged to comply with it. The provisions of Part II relate to the nature of the information requested.

Information Commissioner - The Information Commissioner enforces and oversees the Data Protection Act 2018 and the Freedom of Information Act 2000. The Commissioner is a

United Kingdom (UK) independent supervisory authority reporting directly to the UK Parliament and has an international role as well as a national one. In the UK the Commissioner has a range of duties including the promotion of good information handling and the encouragement of codes of practice for data controllers, that is, anyone who decides how and why personal data, (information about identifiable, living individuals) are processed.

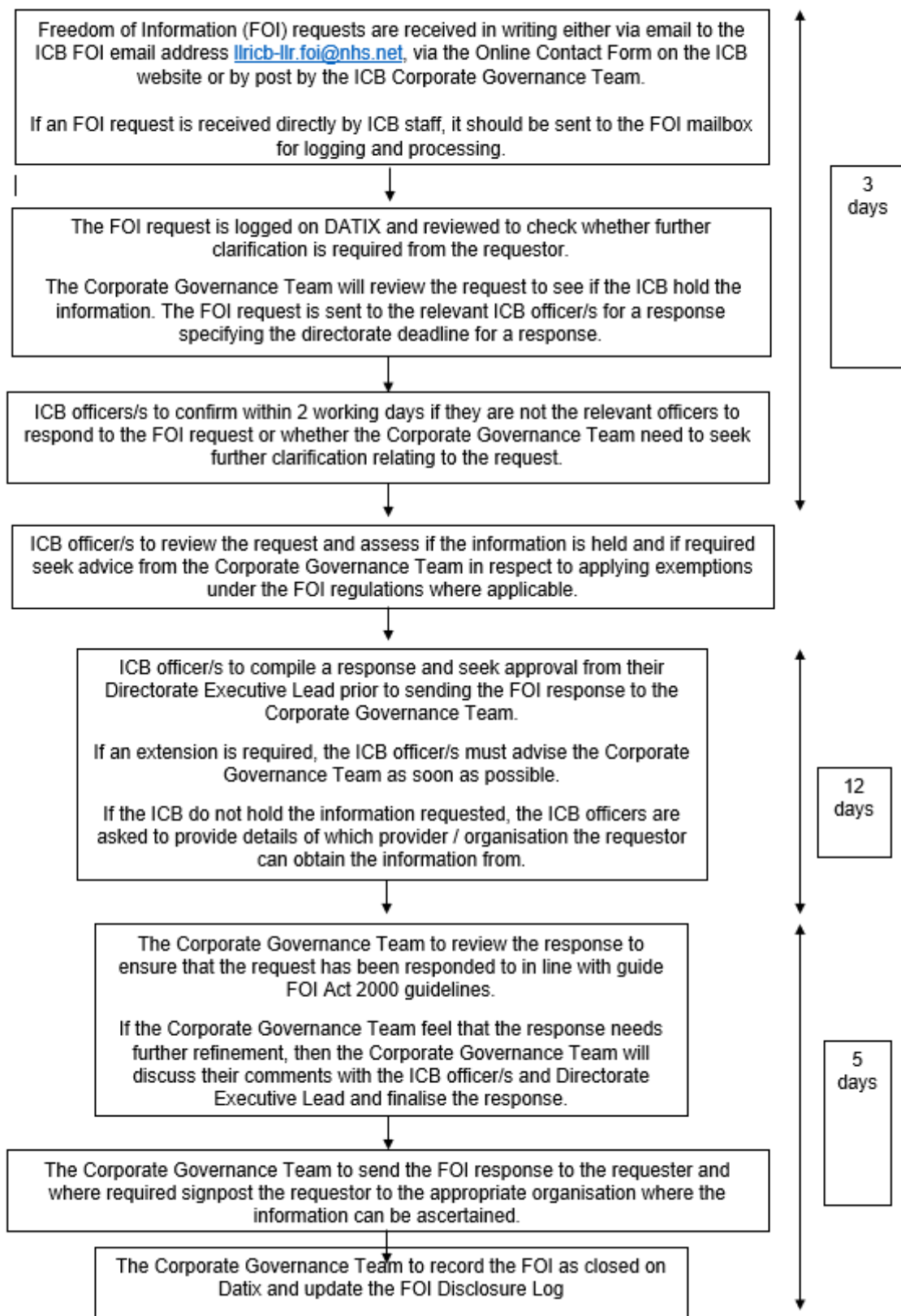
Public authority - The Act is intended to have wide application across the public sector at national, regional, and local level. In view of the large number of bodies and offices intended to fall within the scope of the Act it is not feasible to list each body individually. The National Health Service and its constituent organisations, such as Leicestershire Partnership NHS Trust, are public bodies.

Publication Scheme - a scheme specifying the classes of information which the Trust publishes or intends to publish, the manner of publication and whether the information is available to the public free of charge or on payment.

Qualified exemption - Information to which a qualified exemption applies requires a public authority to take a test of prejudice or to demonstrate that the balance of public interest is in favour of non-disclosure. Reference to qualified exemptions can be found in Part I, section 2 and Part II of the Freedom of Information Act.

Appendix 2 Freedom of Information Internal Flow Diagram

LLR ICB Freedom of Information (FOI) Request Process



Appendix 3

Exempt Information under Part II of the Freedom of Information Act 2000

There are two types of information exemption:

- (a) **Absolute exemption**, which does not require a test of prejudice or the balance of public interest to be in favour of non-disclosure.
- (b) **Qualified exemption** by the public interest test, which requires the public body to decide whether it is in the balance of public interest not to disclose information.

Public Interest Test

If the exemption you wish to apply is qualified, then you will need to do a public interest test, even if you know the exemption applies.

The public interest test involves weighing the public interest in confirming whether or not information is held against the public interest in refusing to do this. The public interest in maintaining the exclusion from the duty to confirm or deny would have to outweigh the public interest in confirming or denying that information is held.

For further information, please read the detailed guidance on the public interest test via the following link: [The public interest test | ICO](#)

With the exception of Section 21 of Freedom of information Act (information available by other means) exemptions apply not only to the communication of information but also to the duty to confirm or deny, if that itself would disclose information that it is reasonable to withhold.

Absolute exemptions

The absolute exemptions under the Freedom of information Act are:

- **Section 21** Information accessible to an applicant by other means
- **Section 23** Information supplied by, or relating to, bodies dealing with security matters
- **Section 32** Court records
- **Section 34** Parliamentary privilege
- **Section 36** Prejudice to effective conduct of public affairs (so far as relating to information held by the House of Commons or the House of Lords)
- **Section 40** Personal information (where disclosure may contravene the Data Protection Act 2018)
- **Section 41** Information provided in confidence
- **Section 44** Prohibitions on disclosure

Qualified exemptions

The exemptions that are qualified by the public interest test are:

- **Section 22** Information intended for future publication
- **Section 24** National security

- **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
- **Section 33** Audit functions
- **Section 35** Formulation of Government Policy
- **Section 36** Prejudice to effective conduct of public affairs (for all public authorities except the House of Commons and the House of Lords)
- **Section 37** Communications with Her Majesty, etc. and honours
- **Section 38** Health and safety
- **Section 39** Environmental information
- **Section 42** Legal professional privilege
- **Section 43** Commercial interests

Please refer to the ICO website for further information on exemptions:

[A guide to the data protection exemptions | ICO](#)