

Mountain View Health Centre Freedom of Information Act – Policy

1 Introduction

1.1 The Freedom of Information Act 2000 (referred to hereafter as the Act) reflects the Governments commitment to make more information about public services available to the public.

1.2 This commitment is supported by the Practice within the content of this policy.

2 Ruling Legislation and Guidance

2.1. There are a number of relevant acts and NHS Guidance in this area:

- Freedom of Information Act 2000
- The Lord Chancellor's Code of Practice on Records Management
- Code of Openness in the NHS (1995)
- Public Records Act (1958)
- For the Record – Welsh Health Circular WHC (2000) 71
- Welsh Health Circular (99)7 Preservation, Retention, and Destruction of GP General Medical Services Records Relating to Patients
- GDPR (2018)

3 Scope

As a public authority under the Act, the Practice will ensure it has policies and procedures in place that satisfy the requirements of records management, publication schemes, subject access and complaints management.

4 Policy Statements

As a public authority under the Act, the Practice will use all appropriate and necessary means to ensure it complies with the Act. The practice will:

4.1 Adopt and maintain a Publication Scheme and publish information in accordance with the Scheme on a regular basis.

4.2 Establish a Freedom of Information Complaints Management Process including the arrangements for enforcement and appeal.

4.3 Adopt a separate Policy for managing records in accordance with the Lord Chancellors Code of Practice for Records Management.

5 Guiding Principles

5.1 All staff must manage records, both manual and electronic in accordance with this Policy.

5.2 The Practice will use the exemptions contained in the Act where an absolute exemption applies or where a qualified exemption can reasonably be applied in terms of the public interest disclosure.

6 Publication Scheme

6.1 The Practice will adopt the model Publication Scheme developed by the Welsh Assembly Government and approved by the Information Commissioner in August 2003.

6.2 The Publication Scheme will detail information correct at the time of publication. It will detail the format in which the information is available and whether or not a charge will be made for the provision of that information.

6.3 The Publication Scheme will be available on hardcopy on request and on the Practice website. The contents will be regularly reviewed and kept up to date where necessary.

7 General Rights of Access

7.1 From 1st January 2005, any person or organisation can make a request to the Practice in writing for information covered by the Act that has not been published in the public domain.

7.2 The Practice will respond to the requests promptly and will make every effort to:

7.2.1 Ensure it understands what information is required.

7.2.2 Provide copies of the information within the 20 working day period.

7.3 The Practice will invoke an exemption if it believes it is not in the public interest to release the information. The practice will include both the type of exemption being invoked, and the full details of why the exemption was invoked in their response.

8 Charges and Fees

8.1 The Practice will not charge for information that it has chosen to publish in its Publication Scheme. The practice may make a charge in accordance with the Fees Regulations.

9 Time Limits for Compliance with Requests

9.1 The Practice will establish systems and procedures to ensure that the organisation complies with the duty to confirm or deny and to provide the information requested within 20 working days of a request in accordance with section 10 of the Act.

10 Duty to Provide Advice and Assistance

10.1 To comply with Section 16 of the Act, the Practice will ensure that systems and procedures are in place to meet the duty of a public authority to provide advice and assistance, to persons who propose to make, or have made, requests for information.

10.2 The Practice will ensure that the systems and procedures that are deployed to meet the section 16 duty also conform to the Code of Practice issued under section 45 of the Act.

11 Complaints about the discharge of the duties of the Practice under the Act

11.1 The Practice will implement a procedure for dealing with complaints about the discharge of duties, including the handling of requests for information.

11.2 The procedure will refer applicants to the right under section 50 of the Act to apply to the Information Commissioner if they remain dissatisfied with the conduct of the Practice following attempts at local resolution of their complaint.

12 Records Management

12.1 The Practice will have a separate policy with supporting systems and procedures that will ensure compliance with the Lord Chancellor's Code of Practice on the Management of Records that is required by section 46 of the Act.

12.2 The policy and associated set of procedures will address issues of active record management – creation, keeping, maintenance and disposal.

13 Documentation and Compliance

13.1 The Practice Freedom of Information Lead, in conjunction with the Lead GP is responsible for ensuring that practice staff are aware of and adhere to this Policy. They must ensure that staff are updated with any changes to this Policy.

13.2 The FOI Lead will oversee the implementation of the Policy and ensure training is available to staff who require it.

14 Review

14.1 This Policy will be reviewed at least annually.

Reference Documents

- Data Protection Act 1998
- Freedom of Information Act 2000
- Welsh Health Circular (99)7 Preservation, Retention, and Destruction of GP General Medical Services Records Relating to Patients
- Welsh Health Circular (2000) 71 – For the Record
- Lord Chancellors Code of Practice on the Discharge of Public Authorities' Functions under Part 1 of the Freedom of Information Act 2000, issued under section 45 of the Act, November 2002
- Lord Chancellors Code of Practice on the Management of Records under section 46 of the Freedom Information Act 2000, November 2002

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Practice Manager – Julie Hayes