Standard Operating Procedure

Title: Recording, Responding and Releasing of Freedom of Information requests

Purpose:	To record/respond and release all FOI requests in accordance to the Freedom of Information Act (2000) and Section 45: Code of Practice
Scope:	Provide step by step procedure of recording and releasing FOI requests within the 20 day deadline
SOP Reference Number:	iS01
Policy SOP Relates To:	DSP08
Date of Issue:	August 2020
Date of Review (Align to Policy Review Date):	July 2023
Version Control:	Version 4 minor amendment page 3 Minor amendment 5/3/20 – **<u>no</u>** FOI related to “*Ligature”* to be put on disclosure log- refer to **publication SOP** Minor amendment page 1 2/4/20-‘national/ local emergency’ V6 Minor amendment, DSP changed from IGT, page,2, 7, 11, 12; Flow chart added on page 18 Minor amendment page 6 and 11- do not date response letters until release

Instruction		Photograph / Diagram
1.	**‘National/ local emergency’** **New guidance issued by the Information Commissioner on 15/04/2020 and that of the hubs and blogs.** • **Its primary focus is FOI and EIR, but also mentions data protection. (The DPA hub link is below)** • **It summarises our responsibilities and that of the ICO as the independent regulator** • **It highlights their approach to complaint management in relation to DPA and FOI law** • **It sounds warnings to those that would misuse**	**1. All templates have the official wording re., we’re looking at your request but we may be delayed getting a result** **2. send the requests out to responders for their input and we will chase once – we’re not going beyond that with the current *COVID-19* state of emergency.** **3. Where we have chased and still not received the information we are disclosing what we have received, with the comment that we will provide the rest of the data as soon as we are able** **4. Keep a track of those FOIs that have got information missing.** **<u>Acknowledgment email:</u>** Dear Mr **** I am writing to acknowledge receipt of your email dated ** **** 2018 requesting information under the Freedom of Information Act (2000) regarding ****************.

<table>
<tr><th colspan="2">Instruction</th><th>Photograph / Diagram</th></tr>
<tr><td></td><td>

data.

- **It promotes the need to accurately record why we acted the way we did, should complaints arise.**
- **It promotes proactive publication of information, particularly in relation to Covid-19 during the crisis.**

It can be located here: **https://ico.org.uk/media/about-the-ico/policies-and-procedures/2617613/ico-regulatory-approach-during-coronavirus.pdf and the blog from here: https://ico.org.uk/about-the-ico/news-and-events/icos-blog-on-its-information-rights-work/**

The DPA hub link is here: **https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/data-protection-and-coronavirus/**

FOI useful links: **http://www.legislation.gov.uk/**

https://ico.org.uk/

Step 1 – <u>Request arrives in the FOI email inbox</u>

- **Requester emails/sends in a request.**
- **Copy details of request into the numbered note books this will give the next available reference number.**
- **Acknowledge the request and issue a new ref number from the note book log. - (*draft acknowledgment response saved in “drafts” outlook email folder) use example heading: 20180101(date) FOI Request Reference 123-18 Acknowledgment (alter date and ref accordingly, if***

</td><td>

Your reference number is **** -** please quote this number on any correspondence.

The FOI Act sets out a twenty working day timescale for requests to be completed by. We will always try to complete your request within this timeframe. We will let you know whether the Trust holds the information you have requested, and we will contact you as soon as possible if we are delayed in our response for some reason. If we require further information from you or we need you to further explain your request before we can continue to process it we will also contact you.

Yours,

Data, Security and Protection
University Hospital of North Midlands NHS Trust

</td></tr>
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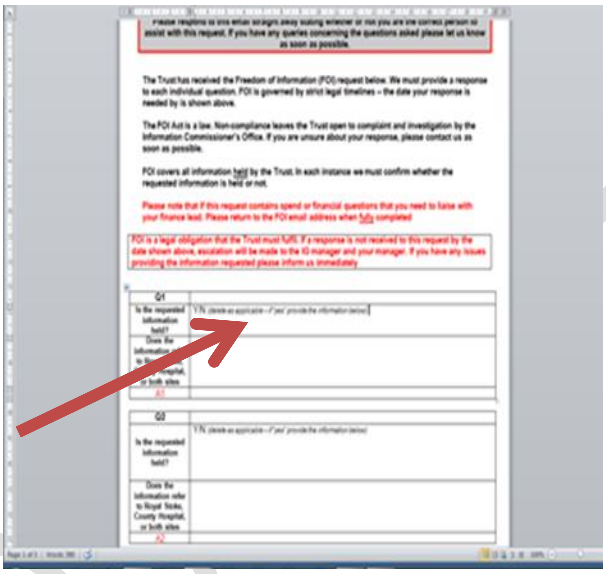
	Instruction	Photograph / Diagram
	***no name** is given by the requester, email as above but use draft "**name withheld** instead and head email as "name required")* • **Create new outlook email folder in the relevant FOI year using the corresponding ref number that you have just created** • **Drag the requester email and acknowledgment into the new outlook folder.**	
2.	**Step 2 - Finding FOI templates for sending and recording requests onto Log** **On Trust server click on:** • **Governance, Audit and Risk- open folder (1)→** • **Double clock on Governance and Audit(2)→** • **Double Click on "Information Governance" folder→** • **Double Click on "Freedom of Information"→** • **Double click on "FOI requests"→** • **Double click on "Templates and recording"→** • **Double click on relevant year i.e. 2018, this will open for the request log spread sheet** • **Open the log** • **Complete by entering details of the request(er) on next available line for the correct month the request was received**	2.Governance and Audit folder 1.Governance, Audit and Risk- open folder – see 2 above **FOI Log spread sheet; Fill in the empty columns. (Using the divisional charts/phone book locate the most suitable person(s) to respond)** Dates will automatically calculate 8 day deadline and 20 day deadline (day one being the first work day after receiving the request)

Instruction		Photograph / Diagram
3.	**<u>Creating and recording documents</u>:** • **Double click on “Templates and recording”** • **Click on FOI request TEMPLATE** **Using the blank template, copy and paste the requester’s questions into the template.** **Please note that <u>All requests are anonymous, and our response is to reflect Trust policy that all FOI’s are applicant blind</u>** **Add date for the response to be returned back to the FOI team in the relevant box and name of person(s) answering.** **Save completed document onto the server by clicking onto:** • **FOI requests** • **Select relevant year** • **Create new folder with corresponding reference number given from the log note book** • **Save all documents relating to this request in the dedicated numbered folder** • **Create a “Pub scheme” and a “to go” folder within each main folder for the publication scheme add the satisfaction survey draft found in <u>templates</u> (“to go folder”). (see publication SOP for release of responses and Disclosure Log)**	 Select relevant year, open “year” folder and create new numbered request folder within it. New numbered folder in corresponding year (see diagram, step above)
4.	**<u>Send out the request for answering by division.</u>** • **Using the divisional structure charts/on-line phone book locate the most suitable person to respond and note on the**	**<u>Request to Division email:</u>** **<u>All requests are anonymous, and your response is to reflect Trust policy that all FOI’s are applicant blind</u>** Good Morning/ Afternoon I have attached an FOI request we have received regarding

	Instruction	Photograph / Diagram
	log spread sheet • Email and Attach request document you have just created to person/division using ***request draft*** in the "drafts outlook email folder" use email heading *****DATE* FOI Ref ***-** • Save copy of email that was sent to the division in the corresponding outlook email folder • Detail into the note book who the request has been sent out to	**********, this is due back with the FOI team on ********. **To save confusion with the answers can you kindly respond in the attached document (s) and let the team know ASAP if this request needs to be forwarded on if you are unable to answer, if you are unsure of the question being asked please let the FOI team know so that we can go back to the requester for clarity.** *Please note that if this request contains spend or financial questions that you need to liaise with your finance lead. Please return to the FOI email address when **fully** completed.* Many thanks and kind regards **Please reply to foi@uhnm.nhs.uk**
5.	**Create draft letter** • **Double click on "Templates and recording"** • **Using the blank "FOI Response letter", copy across the requesters details and questions** • **DO NOT date – to be completed at final release** • **Save in the corresponding folder on the server. Date/ version control and name the response (use what the FOI is about in the heading. i.e. *20180501 FOI response letter agency fees draft v1 ref 001-1819*** • **Write into the FOI note log book that a draft letter has been created ready for the responses/answers** **FOI requests received as letters: follow all the steps above, however scan the letter and save into the server folder that you created at step*	Create response letter to the requester ready for completing with the answers from the divisions.

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<tr><th></th><th>Instruction</th><th>Photograph / Diagram</th></tr>
<tr><td></td><td>3. If no reply email given on letter, print off acknowledgment using letter headed paper –use a response letter template and adjust accordingly, and post to requester.</td><td></td></tr>
<tr><td>6.</td><td><u>Using outlook FOI calendar</u> place an 8 day reminder for each new request for follow ups

Save reminder email in the corresponding numbered outlook email folder

If no response after 10 days escalate to line manager.
Each time FOI is chased or paused update calendar
When FOI released, delete from calendar.</td><td>On day 7 send email with a polite reminder to person designated as responding.

Good morning *****,

Just a gentle reminder that this FOI is due back with the team on ***********

Kind regards</td></tr>
<tr><td>7.</td><td><u>Paused requests</u>;
If the request is unclear or requires clarification email the requester using the draft saved as “Paused”
Head the email with: 20180101(date) FOI Request Reference (alter date and ref accordingly) 111-18 paused for Clarification (this will alert the requester to a problem within their request)
Drag email into the outlook email folder and rename the folder as “paused”
Inform the division that the request is paused
Update the request log with the date of the pause in the ref box and turn the line yellow
Update the FOI note book with the date of the pause
Update response letter created in <u>step 5</u>:
(i.e.) on 1st January 2018 we contacted you via email/letter as</td><td><table>
<tr><th>request no</th><th>date received</th><th>date acknowledged</th><th>10 day</th><th>deadline</th><th>requester</th></tr>
<tr><td>001</td><td>01/1/18</td><td>01/01/18</td><td>01/01/185</td><td>20/01/18</td><td>Smith</td></tr>
<tr><td>002</td><td>02/01/18</td><td>02/01/18</td><td>01/01/185</td><td>20/01/18</td><td>Jones</td></tr>
<tr><td>003 paused 03/01/</td><td>03/01/18</td><td>03/01/18</td><td>01/01/185</td><td>20/01/18</td><td>Owen</td></tr>
</table>
Add date paused, when un-paused, add date and re-calculate the deadline, adding the “paused” days to the remaining time on the 20 days.

If after 2 weeks the requester hasn’t responded, turn the line pink and mark “clock stopped” after 2 months the request can be closed. (turn green)
Mark server folder as “stopped clock” until either completed or closed
<u>Copy the emails across to the server folder from the outlook folder then Delete the outlook folder</u>

<u>Paused for clarification email:</u>

Dear Mr *******,

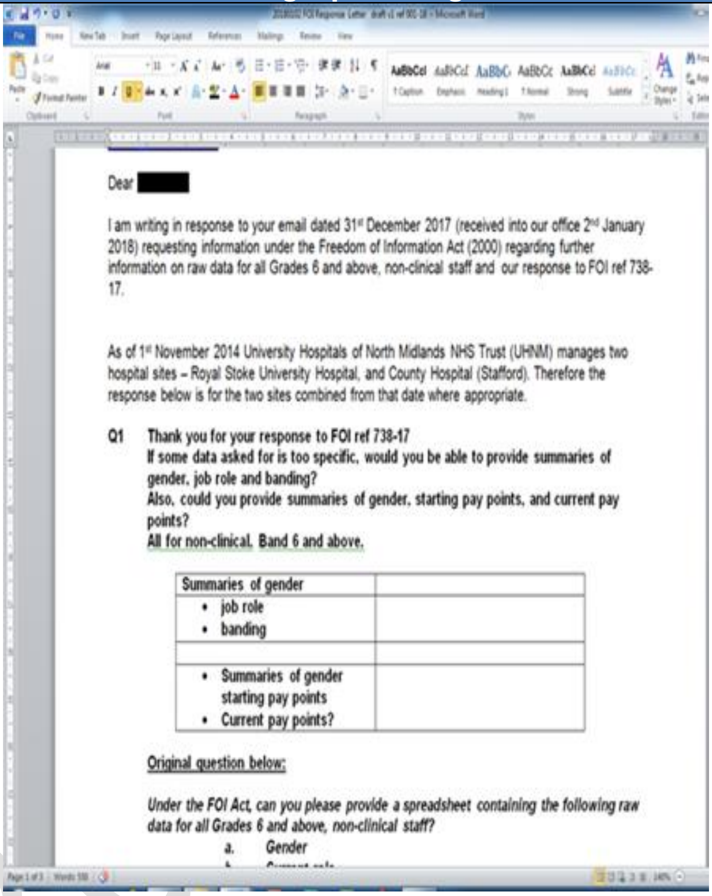
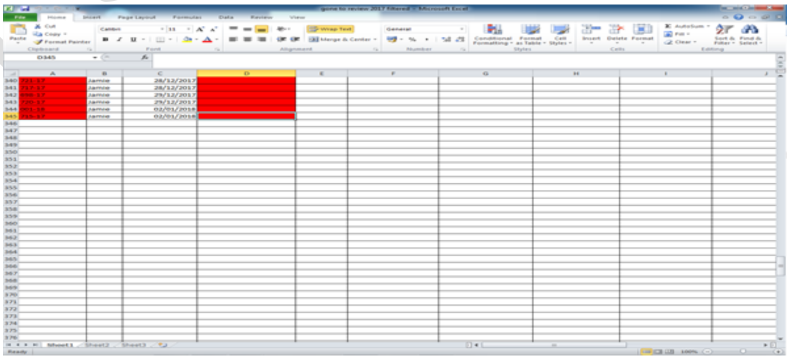
I have been asked to contact you to seek clarification on your request. Your request states:

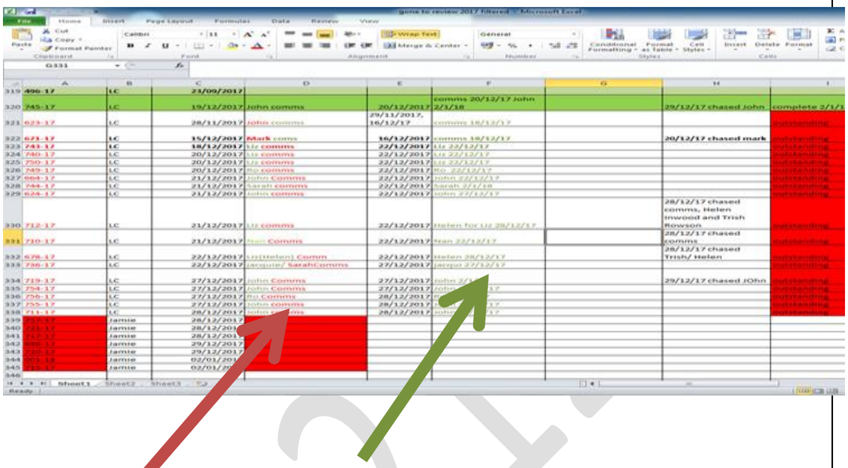
“Q1 ***”

To continue with your request we require clarification on the specific time period please can you advise from what *******</td></tr>
</table>

Instruction		Photograph / Diagram
	we required clarification on ************** • **When the requester replies acknowledge their clarification with an email confirming that we will continue with the request** • **Drag email into the outlook email folder, remove the "*paused*" from the folder name** • **Update the request form with the clarification highlighted in red and email to the divisions explaining that the request is now "live" again,** • **Drag the email into the outlook email folder** • **Update the request log by turning the line white and the Un-paused date In the ref box** • **Update the FOI note book with the date of the un-pausing and re-calculate the 20 day time frame** • **Update the response letter adding the clarification** • **Requests can be paused as many times as appropriate** • **After two weeks the request can be "closed"- (*truly closed after two months*) follow the steps as above, but it also remains "live" at the same time should the requester come back. The clock re-starts from the new communication from the requester and the time gets added to any time remaining for the deadline. (i.e.) *3 days' work has already been done to the request, it was paused for 2***	** Your request will therefore be paused until we fully understand the information requested. We will continue to process your request when we understand the information requested. If we do not hear from you within two months we will close your request Yours, Data, Security and Protection University Hospital of North Midlands NHS Trust Update the response letter with the following sentence: On ***DATE***** you replied via email/letter the following clarification:"********************" (italicise the reply using speech quotations)

	Instruction	Photograph / Diagram
	months, the requester replied, so add 17 days to calculate the new deadline.	
8.	**<u>Responses received and primary review</u>** • **Copy and paste all responses from divisions onto the draft letter that you created in step 5. (Each draft is version controlled when reviewed either in the office or at executive level for any changes made)** • **Drag all the email responses from divisions into the outlook email folder** • **If spread sheets or other additional documents are to be sent with the request add to the <u>"to go</u>" folder within the request folder on the server, *redact any PID as necessary and "water mark" the document (as necessary) with the FOI ref number** • **Each morning have an update meeting with IG manager at FOI desk to discuss all "for review/problems" and completed etc.** • **When fully answered sense check then *send* to primary review (Line manager). Update the log note book that this is ready for review and the date sent** • **Re-name outlook email folder as *"** (* initial of line manager)review*"** **<u>"Gone to review" log</u>** • **On <u>server</u> open "gone to review spread sheet" folder found in FOI requests (as located in step 2, points 1-4)** • **On spread sheet fill in**	<u>*****When redacting use (black over the dashes)------------------------- remove the words and replace with dashes as there is soft wear that can by- pass restrictions on PDF documents</u>

Instruction		Photograph / Diagram
	empty boxes, ref number, who primary reviewing, date etc. **Prior to primary review** • **Highlight reference number in red** • **Highlight box "Executives to review" in red**	 Dear [redacted] I am writing in response to your email dated 31st December 2017 (received into our office 2nd January 2018) requesting information under the Freedom of Information Act (2000) regarding further information on raw data for all Grades 6 and above, non-clinical staff and our response to FOI ref 738-17. As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate. Q1 Thank you for your response to FOI ref 738-17 If some data asked for is too specific, would you be able to provide summaries of gender, job role and banding? Also, could you provide summaries of gender, starting pay points, and current pay points? All for non-clinical. Band 6 and above. Summaries of gender • job role • banding • Summaries of gender starting pay points • Current pay points? Original question below: *Under the FOI Act, can you please provide a spreadsheet containing the following raw data for all Grades 6 and above, non-clinical staff?* a. Gender **<u>Gone to review spread sheet</u>** 
9.	**<u>Executive review</u>** **After primary review** • **Re-name outlook email folder as "*gone to review"*** • **Send draft letter to appropriate Executive(s) and Comms using the email draft in saved email folder "*final response for approval*"**	**<u>Sent to Executives for review/approval email:</u>** Good Morning/Afternoon *******, Please can you review the attached FOI regarding ****** ******* *****. The information has been taken from info supplied by ***** *******. Many thanks

	Instruction	Photograph / Diagram
	• **Write into the FOI log note book who the Executive is and write "ok" and date when approval received next to the named executive** • **On the review spread sheet, the reference number box to turn white with red writing** • **Person to review added into the "persons to review" box, turn box white with red writing** • **Turn "status" box red with "outstanding" written in** • **When approved, turn name to green in the review box and add "green" name to "approved box" with date received approval** • **This will enable you to see who has approved and who needs to be chased for approval.** • **Drag** all **emails into the outlook email folder that corresponds to each relevant request.** • **Change "outstanding box to completed with date** • **Highlight entire row in green and move to completed "green" line above**	**<u>"Gone to Review" spread sheet</u>**  When all "go" green the request can be released. Executive names change from red to green when approval received, add the date when approval received.
10.	**<u>Executive(s) object to release</u>** **Rename the outlook folder with additional word of "Exec query" next to review, remove this once clarification has been received and the request retuned to review**	Check with the relevant executive what the problem is, there may be an exemption to place or further information to collate/validate. But if there is no exemption and we've checked the information is all correct we'll need to get a second Exec opinion or take it to the Chief Exec if necessary. Comms may sometimes wish to re-word which is fine as long as the actual information isn't changed/exempt for any reason. If new information is required, update response letter by amending accordingly, changing the version number, re-send to the Execs, adding that this is an amendment and asking for previous draft to be discarded.

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<tr><td>11.</td><td>

<u>Release of letter/request</u>

- Sense check letter
- Add the date of release
- Add apology if breached deadline
- Save letter and any additional documents as *word* “final” changing the date on the document(s) to the current date
- Save final *word* letter/document as “final” <u>PDF</u>
- Click on requesters email address in the outlook email folder
- Attach PDF copy to email
- Head response email with the date , ref number and that is the final response
- Check that correct letter response is attached to correct requester
- Send response
- Save the sent Final response to the outlook email folder
- Open server folder
- Drag all relevant emails from outlook email folder into the open server file
- Delete the <u>outlook</u> <u>email</u> folder
- Rename the <u>server</u> folder as “complete”

</td><td>

<u>Final response to requester email:</u>

Dear ****,

Please find the response to your FOI request attached

Many thanks,

Data, Security and Protection
University Hospital of North Midlands NHS Trust

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<tr><td>12.</td><td>

<u>Request log</u>

- Locate the reference number on the FOI request log
- Fill in remaining boxes
- Turn green line if within 20 day timeline
- Turn red line if over the 20 day time line

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<table>
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<tr><td>002</td><td>02/01/18</td><td>02/01/18</td><td>01/01/185</td><td>20/01/18</td><td>jones</td></tr>
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</td></tr>
<tr><td>13.</td><td>

<u>Internal review -</u> when the requester asks for an internal review:

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<u>Internal review email to requester</u>:

Dear Mr ***,

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	Instruction	Photograph / Diagram
	• **Acknowledge the email and reassure the requester that we will conduct an internal review and respond within 20 days** • **Create new outlook email folder using the existing reference number and name the folder "internal review"** • **Drag requesters email and acknowledgment email for the review into the outlook folder** • **Locate request on the FOI log** • **Turn the line white** • **Place a "yes" in the internal review column** • **Place the date in the following column, this will calculate 20 days in which to respond** • **Inform the relevant person(s) of the review, (relevant Executive) date needed to respond by and give copy of the request and rational of why the response was worded (refused) create a spread sheet if required, save 1 copy in server file and a duplicate in "internal review" folder** • **When decision made on whether to uphold or amend the response, get line manager to approve, send the following letter as an email attachment (draft found on the server under "templates and recording") to comms for approval** • **When Comms approve, PDF and send to requester in the usual way** • **When sent, update the FOI log spread sheet, turn the line green (if responded to within the time frame, Red if not) and drag all the emails into the server**	Further to your Email dated ********** I have been informed that you have requested an internal review regarding our response to your FOI request (reference ***-**). I have informed the Deputy Head of Quality, Safety & Compliance and the review will be conducted accordingly. The Trust will respond within 20 working days. Kind regards DSP ***Internal review response letter*** All internal review responses should state how the requester can appeal/complain to the ICO, contact details should be given at the foot of the response letter.

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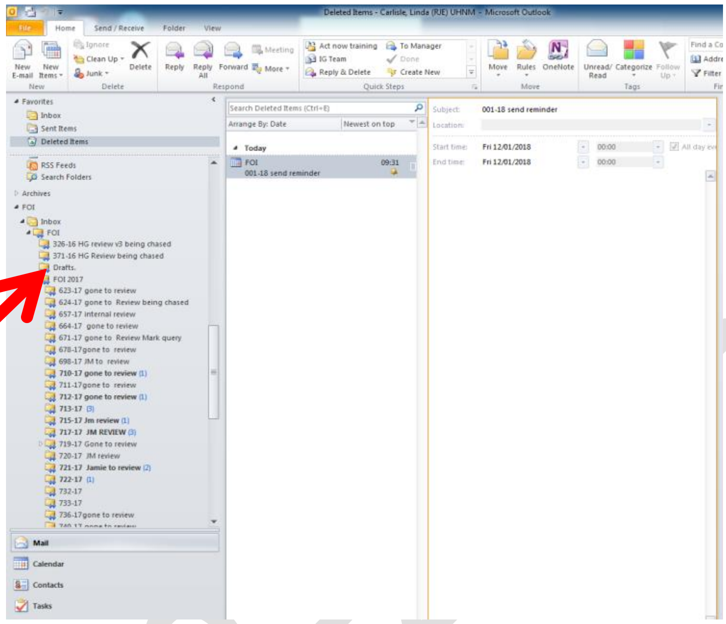
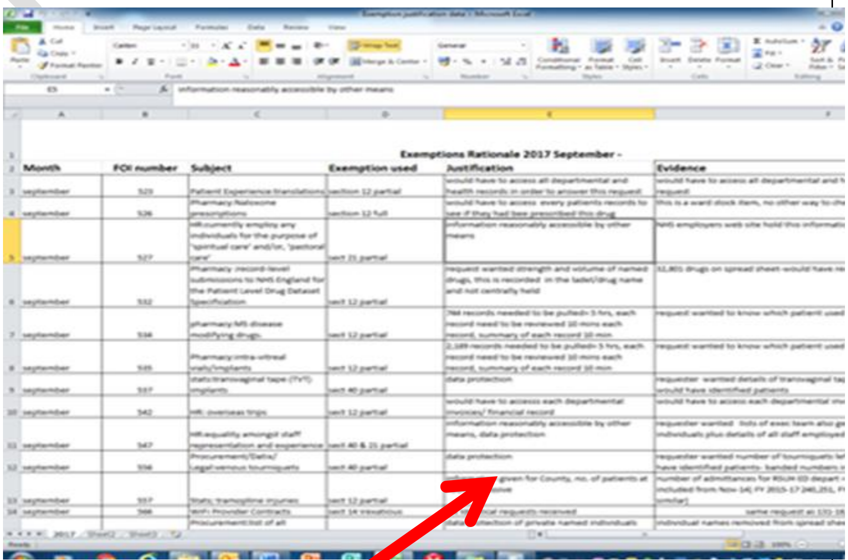
<tr><th colspan="2">Instruction</th><th>Photograph / Diagram</th></tr>
<tr><td></td><td>folder</td><td></td></tr>
<tr><td>14.</td><td><u>Public interest tests</u>
All “Qualified” exemptions require a public interest test <u>before</u> they can be applied to the response. Create spread sheet from saved template with arguments for and against release of information
Copy the request detail into the 1st column then populate the remaining two, divisions will be expected to assist with this as they understand the nature of the request, why they are asking for an exemption and will have the evidence to support.
Use any of the information collated in response emails to support argument
Place a copy of the spread sheet in the corresponding FOI folder on the server <u>and</u> a copy in the designated folder for <u>public interest spread sheets</u>. (found in the relevant year)</td><td>Example:<table><tr><td>20180118 FOI Ref 001-18 public interest test</td><td></td><td></td></tr><tr><td>Request details</td><td>For release</td><td>Against release</td></tr><tr><td></td><td>open and transparent</td><td>will allow vulnerabilities to be shown</td></tr></table></td></tr>
<tr><td>15.</td><td>Keep FOI log of all phone calls regarding each request, email to person confirming discussion and save draft in corresponding outlook folder- Log note book useful but not essential (personal choice)</td><td></td></tr>
<tr><td>16.</td><td>Keep log spread sheet up to date with each month ready to calculate and record each request</td><td></td></tr>
</table>

Instruction		Photograph / Diagram
17.	**All drafts for the email responses can be found in outlook FOI folder marked "drafts" duplicates kept on the sever under Templates and recording in a separate folder**	
18.	**Exemption drafts can be found on the server: double click on each of the following:** **FOI requests→** **Templates and recording→** **Word documents for each exemption in rough draft form in draft folder**	
19.	**<u>Exemptions Log</u>** **<u>All</u> requests with exemptions need to be logged onto the separate "Exemption justification data spread sheet" this is found via:-** **Double click on Templates and recording→** **Double click on the relevant year→** **Double click on "Exemption justification data spread sheet"**	 Complete as fully as possible the justification and supporting evidence.

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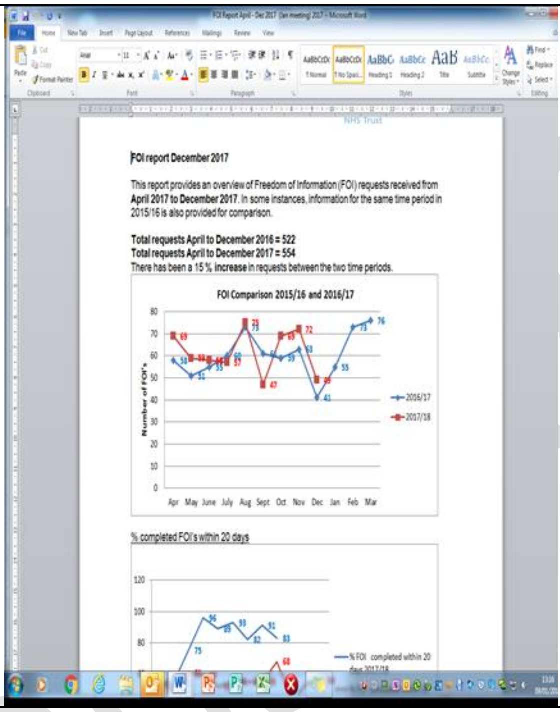
<tr><td>20.</td><td>Maintain and update the Information Governance Working Group (IGWG) meeting report and the report for Information Governance Steering Group (IGSG) report

Both meeting draft copies found in “Meeting draft” folder under FOI requests</td><td>
</td></tr>
<tr><td>21.</td><td>Personal choice, up keep of useful FOI spread sheet = good for repeated themes on how to respond or unusual requests, how they were dealt with etc.

People to go to spread sheet, personal choice, but useful for keeping track of who was able to answer different requests.</td><td></td></tr>
<tr><td>22.</td><td><u>Requester queries the response.</u>

On occasion the requester will query the response.
If FOI reference known, re-create folder with existing number. Give an extra letter i.e. 001-18a
If FOI number not known email the requester asking for this
Acknowledge the query to the requester and assure that the query will be dealt with and you will query the relevant department.
Send Anonymised copy of the response draft to the</td><td></td></tr>
</table>

Instruction		Photograph / Diagram
	person/department who gave the information with the requesters query. • In server folder, create a new one within in it named “query” • When query is answered, get line manager to review then send to comms for sign off. • When approved, PDF the letter and reply in the usual way as described in step 11 • Copy all emails from outlook folder in the query folder • Delete the outlook folder.	
23.	**Requester chases response** Ideally all requests are responded to within the 20 day time frame, but on occasion some will over run. When it becomes apparent the request will be late send email apology (adjust accordingly). If this has been over looked/or we are running late and the requester has chased a response, email apology and using the “red flag” email function chase the department explaining that we are being chased and could potentially trigger a complaint, highlight to manager as necessary. As previous steps above, all emails are dragged into the relevant outlook email folder.	**Email before requester chases** Dear ****** Just to update you, we are collating the data for the response to your FOI request re data on ******. We have established that there is a high volume of data that needs to be validated to compile a response to yourself. With the validation work that needs to be completed, please accept this email as notification that it is likely that we will not meet the 20 day deadline of the ******. We apologise for this in advance but we want to ensure that the information we supply you with is accurate. Yours, Data, Security and Protection University Hospital of North Midlands NHS Trust **Email if chased by requester** I apologise that you request is still outstanding. The information you require is still under review/being collated. The department will be contacted as a matter of urgency for a progress update. Yours,

Instruction		Photograph / Diagram
24	**Satisfaction survey**	Record any feedback onto the satisfaction survey spread sheet, this can be any thank you emails etc.

FlowChart to highlight FOI Steps:

FOI SOP Flowchart
v5 - 1.7.20.pdf