

## Freedom of Information Act (FOIA) – a patient’s guide

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## Introduction

The Government is committed to greater openness in the public sector. The Freedom of Information Act of 2000 (FOIA) gives the public the right of access, in law, to most information about how public authorities are run.

## The main features of the Act

- A general right of access to recorded information held by public authorities, subject to certain conditions and exemptions (from 1 January 2005).
- A duty on all public authorities to adopt and maintain a publication scheme (from 31 October 2003).
- A new office of Information Commissioner with wide powers to enforce the rights created by the Act and to promote good practice, and a new Information Tribunal

## Scope of this policy

The scope of the Act, and hence the scope of this policy is all information relating to the Trust.

Patients' medical records and staff personnel records are exempted from disclosure under the Freedom of Information Act (2000). Patients' medical records are available for patients to request under 'Access to Health Records' and are covered by a separate Trust policy.

The Data Protection Act (1998) still applies where 'person-identifiable' information is concerned.

Other information may be exempted from disclosure on the grounds of commercial confidence and public interest.

Other policies that are related to this policy are listed as follows:

- Information Security Policy
- Confidentiality Policy
- Records Management Policy
- E-mail and Internet Acceptable Use Policy
- Information Sharing Policy

## Classes of information

Information is grouped into broad categories known as 'classes' of information. This leaflet describes these classes and states how you can obtain the information relating to each class.

For the most part, we will endeavour to provide information to you free of charge. However, in accordance with statutory regulations, requests involving high volumes of photocopying or printing will incur a charge. The minimum charge will be £10.

Sometimes, some or all of the information cannot be provided and we will explain the reasons why not when this happens.

The Freedom of Information Act recognises that as a member of the public, you have the right to know how public services such as the NHS are organised and run, how much they cost and how you can make complaints if you need to.

You have the right to know which services are being provided, the targets that are being set, the standards of services that are expected and the results achieved.

In accordance with regulations, requests involving research which takes over 'the appropriate limit' (about two and a half day's work) will be refused. In these cases, we will help you to refine your request to bring it under the appropriate limit.

### Examples of readily available information

- Key national documents describing the priorities and plans for the entire NHS.
- Local NHS structure showing how the Whittington Hospital NHS Trust relates to other NHS bodies.
- Who we are and details of the Whittington Hospital NHS Trust and its board members.
- The organisational structure of the hospital with details of key personnel and sub-committees of the board.
- Corporate governance
- Partnership information
- Finance and funding
- Aims, targets and achievements
- Our range of services
- Recent reports of inspections
- Public involvement
- Consultation procedures

### Purpose

The Act results in three major requirements for the Trust. The purpose of this policy is to state the Trust's approach to the following requirements:

- To accept requests for information from the public and respond to them. A time limit of 20 days is stipulated for either providing the information or providing a justification for withholding it.
- To assist members of the public in their efforts to find information about the Trust.
- To process complaints and appeals about the Trust's decisions regarding requests for information.

### What does it cost?

The majority of items on the Trust's publication scheme are available free of charge although there may be a small charge for the costs of photocopying, printing and postage.

If a fee is applicable, the Trust will follow the fees regulations and the national guidance provided in association with the FOIA.

The applicant will be informed in writing of any fees payable.

The 20 working day deadline for responses will be frozen until any fee required is paid.

If the fee is not paid within three months it is assumed the applicant no longer requires the information and the request will be void.

#### [What happens if the information is not available?](#)

The Whittington Hospital will make every effort to provide you with the information you request.

However, there may be information we cannot give out if it is covered by one of the exemptions within the Act.

We will tell you if information is being withheld and why.

We will also tell you who you should contact to request an internal review if you are not happy with our decision.

#### [Where to make your FOIA request](#)

If you have access to the internet, you can get information using the request form which can be found in the FOI section on our website [www.whittington.nhs.uk](http://www.whittington.nhs.uk)

Alternatively, you can write to us at the address below:

Freedom of Information Office  
The Whittington Hospital NHS Trust  
Governance and Risk Management Office  
Kenwood Wing  
Magdala Avenue  
London  
N19 5NF

Tel: 020 7288 5653

Email: [foi.whitthealth@nhs.net](mailto:foi.whitthealth@nhs.net)

- All requests must be made in writing and should include the contact details for the person requesting information.
- Correspondence may be via email or via letter.
- You do not need to state why you are requesting public information.

#### [Further information](#)

The trust is not obliged to send you information that is already available elsewhere e.g. in our publication scheme on our website. We may need to ask you for further clarification to help us provide you with the information you have requested.

#### [Additional contact information](#)

If you are still not satisfied after the internal review you can request a review by the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House, Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Website: [www.ico.org.uk](http://www.ico.org.uk)

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Please note that personal information is protected under the Data Protection Act of 1998 and will not be shared with anyone who is not entitled to it.

Copies of your personal medical records are available through our Trust's Access to Health Records Office:

C/O Clinic 1B  
Level 1 Out Patient Block  
Magdala Avenue  
London N19 5NF

Fax Number: 020 7288 5830

#### [Patient advice and liaison service \(PALS\)](#)

If you have a question, compliment, comment or concern please contact our PALS team on 020 7288 5551 or [whh-tr.whithealthPALS@nhs.net](mailto:whh-tr.whithealthPALS@nhs.net)

If you need a large print, audio or translated copy of this leaflet please contact us on 020 7288 3081. We will try our best to meet your needs.

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