

Access to information about NHS London under the Freedom of Information Act 2000

The Freedom of Information (FOI) Act gives members of the public a general right to request access to all types of recorded information held by public authorities, promoting a culture of openness and accountability across the public sector.

You are entitled to be told whether or not we hold information and, if we do, to have it communicated to you, normally within 20 working days, in the format requested. We do not have to confirm or deny the existence of the information or provide it if –

- an exemption applies,
- the request is vexatious or similar to a previous request,
- or if the cost of compliance exceeds an appropriate limit (this equates to 18 hours spent on locating and extracting the information).

Exemptions

Some information might be exempt from disclosure under FOI; however we will always tell you if we are withholding information or refusing to confirm or deny the existence of any information.

There are 23 exemptions in the Act. The exemptions fall into two categories, those that are '**absolute**', and those that are '**qualified**'.

Absolute exemptions may apply when the harm that would be caused by a disclosure is already established. A few examples of when absolute exemptions may apply are:

- when you request access to your personal data under the FOI Act because really you are meant to request it under the Data Protection Act (DPA)
- when you request access to someone else's personal data
- when you request access to information and the disclosure of that information could result in an actionable breach of confidence
- when you request information from us that you can obtain elsewhere without making a FOI request

Qualified exemptions only apply when the public interest in withholding the information outweighs the public interest in disclosure. A few examples of when a qualified exemption may apply are:

- when you request information that we were intending to publish at a later date
- when you request information where the disclosure could prejudice someone's commercial interests
- when you request information that relates to advice we may have obtained from our legal advisers

How to make a request?

You can make your request by:

- email to foi@london.nhs.uk
- fax to 020 7932 8000

- Post to: FOI manager, NHS London, Southside, 105 Victoria Street, London, SW1E 6QT

All FOI requests must be in writing, and include your name and the address that you would like us to send the response to.

What can you expect next?

Once we have received your request we will usually try to acknowledge it as soon as possible; however there might be a short delay if we think that we may need to get further clarification from you about what it is you would like to receive from us.

If we are not sure that we understand your request we may try to contact you to discuss your request with you.

How long will it take?

We will usually respond to your request within 20 working days following receipt of your request, or after receiving further clarification from you. We are allowed to extend this deadline if a qualified exemption applies to the information and we need longer to consider whether the public interest favours disclosure or not. We will let you know if we need longer to consider your request.

Consultation with third parties

Sometimes we will need to consult with other parties about your request to help us to decide whether or not an exemption applies. This is most often the case if the information you have requested mentions another party, or is generated by another organisation. It is important that we take the interests of all parties into consideration when deciding what information will be disclosed.

In what format will we send the information to you?

If you express a preference for the form in which you would like to receive the information, we will try to comply with your request as long as it is reasonable for us to do so.

What if the information is refused?

If we decide that we will not disclose information to you, we will always provide you with our reasons in writing, stating which exemption applies and why we think it does.

We will also always provide you with information about how to make a formal complaint about the way we have handled of your request.

How do I complain?

If you are unhappy about the way that we have handled your request, you should write to the Chief Executive, Ruth Carnall, NHS London, Southside, 105 Victoria Street, London SW1E 6QT requesting an internal review. You should do this within 90 days of our decision letter to you.

If you remain dissatisfied with our decision following your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act. The Information Commissioner can be contacted at:

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

Telephone: 01625 545700
www.informationcommissioner.gov.uk

What if we don't hold the information?

We will tell you if we don't hold the information. If we think the information may be held elsewhere, we will suggest other places that you might try if we can think of any.