

Freedom of Information Policy



2017 - 2018

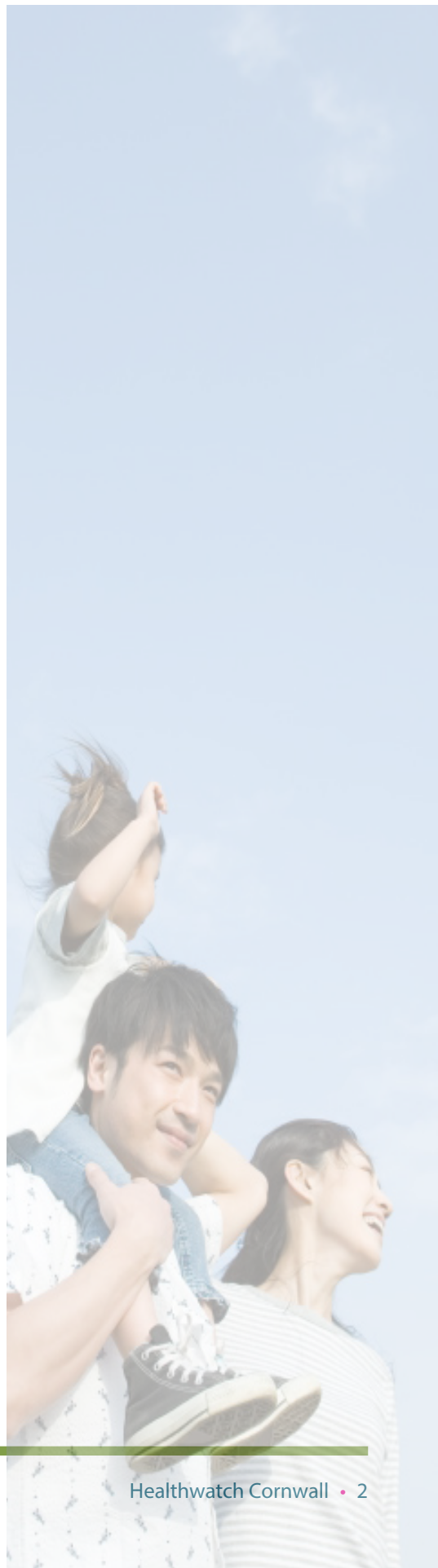


Introduction

This policy has been established to ensure that Healthwatch Cornwall meets its legal obligations under Freedom of Information.

The legislation, and therefore this policy, applies to all recorded information held by Healthwatch Cornwall and its staff, departments, subsidiaries and agents, regardless of format, storage medium or age and to information held by other organisations or individuals on behalf of Healthwatch Cornwall.

Information “held” by Healthwatch Cornwall includes not only information created by Healthwatch Cornwall and its agents, but also information in Healthwatch Cornwall possession which originated from outside organisations or individuals.





Responsibilities

Healthwatch Cornwall has a corporate responsibility to ensure that it conforms to, and implements, the Freedom of Information Act.

Healthwatch Cornwall is accountable to the Information Commissioner for its compliance with the Act and Regulations. The Chief Executive Officer of Healthwatch Cornwall is responsible for this policy and has strategic responsibility within Healthwatch Cornwall for Freedom of Information and related areas, including Data Protection.

Healthwatch Cornwall will develop procedures, guidance and standards of good practice, the co-ordination of responses to more difficult or complex information requests; and the provision of advice and assistance on Freedom of Information issues.

All staff must handle information and requests for information in a way which complies with this policy and Healthwatch Cornwall related procedures, guidance and standards of good practice.

Staff must also ensure that they provide the Chief Executive Officer of Healthwatch Cornwall with all necessary advice and assistance when requested to do so for the purpose of responding to Freedom of Information requests.

Staff should note that the deliberate concealment, amendment or destruction of information which has been the subject of a Freedom of Information or Environmental Information request, in order to prevent its disclosure, is a criminal offence under the Act and Regulations for which individual staff as well as Healthwatch Cornwall can be held liable.

Relationship with existing policies and legislation

This policy has been developed and will be implemented within the context of other Healthwatch Cornwall policies and guidelines, national legislation and codes of practice.



The Publication Scheme

Healthwatch Cornwall is required by the Freedom of Information Act to produce, maintain and make available a [Publication Scheme](#) covering the information that Healthwatch Cornwall routinely publishes or intends to publish.

The Publication Scheme is available on Healthwatch Cornwall's website. It describes the classes of information that Healthwatch Cornwall publishes, providing appropriate examples of individual documents, and details the formats in which publications are available and whether any charges apply.

Healthwatch Cornwall has adopted the model publication scheme approved by the Information Commissioner, but reserves the right to move to a bespoke Scheme (subject to the approval of the Information Commissioner) should that prove better suited to Healthwatch Cornwall's needs.

Healthwatch Cornwall is required by law to keep the Scheme up-to-date. Publication of information via the Scheme incurs a number of benefits, such as a reduction in the amount of information which can be subject to Freedom of Information requests. To secure these benefits, and in the interests of openness, accountability and business efficiency, Healthwatch Cornwall affirms its commitment to the routine publication of as much non-sensitive information about Healthwatch Cornwall policies, procedures and activities as possible, following a "web first" publication policy.

Requests for information

Information which is not covered by Healthwatch Cornwall's Publication Scheme can be requested by individuals within or outside Healthwatch Cornwall under the Freedom of Information Act and the Environmental Information Regulations. The Act and Regulations provide the public with the right to be informed whether the information is held by Healthwatch Cornwall, and if so, to have the information communicated to them unless an exemption or limit applies. Requests must be answered within 20 working days, although this period can be extended in certain circumstances.

Healthwatch Cornwall is committed to processing requests for information in accordance with the requirements of the Act and Regulations. To this end, Healthwatch Cornwall will ensure that requests under the Freedom of Information Act are processed in accordance with the code of practice (known as the Access Code) issued by the Secretary of State for Constitutional Affairs under section 45 of the Freedom of Information Act.



Charges

The Freedom of Information Act and its secondary legislation impose a statutory limit (known as the “appropriate limit”) on the amount that can be spent on locating and extracting the information required to answer a Freedom of Information request.

This limit is currently set at £450, which the legislation deems to be equivalent to 18 hours of staff time. Where a public authority receives a request which is estimated to be over the “appropriate limit”, it can refuse to comply with the request, comply without imposing a charge, or comply on condition that the applicant pays the full cost of processing the request.

Healthwatch Cornwall’s policy, in all cases, is to refuse to comply with requests that are likely to exceed the appropriate limit. Before doing so, Healthwatch Cornwall must provide the applicant, where possible, with reasonable advice and assistance to help narrow down the scope of the request to one that would be within the limit. Applicants whose requests are refused on the grounds of the “appropriate limit” will be provided with an explanation as to why Healthwatch Cornwall believes that the limit would be exceeded.

Where the cost of processing a Freedom of Information request is below the “appropriate limit”, Healthwatch Cornwall may only charge for postage and photocopying, printing and other forms of reprographics.

Any charges imposed by Healthwatch Cornwall for these services will take into account the guidance on charges for Freedom of Information requests issued by the Ministry of Justice.

Appeal procedures

Unhappy with the response? If you are unhappy with the response you receive from Healthwatch Cornwall relating to your request please get in touch, giving your reasons. Healthwatch Cornwall will respond to you in writing. If you remain dissatisfied following your appeal, you can contact the Information Commissioner’s Office on 0303 1231 113.



Exemptions

Although Healthwatch Cornwall upholds the principle that information should be accessible wherever possible, there are times when we have to withhold information to protect our legitimate interests and those of other organisations and individuals.

Healthwatch Cornwall will only refuse to disclose information in response to a request if a valid exemption applies under the Freedom of Information Act, or if the “appropriate limit” would be exceeded (see Charges).

Healthwatch Cornwall will apply exemptions in a way which takes into account the guidance on exemptions issued by the Information Commissioner and the Ministry of Justice. Where information is withheld under an exemption, applicants will be informed of the relevant exemption and why Healthwatch Cornwall believes it applies, and will be provided with details of Healthwatch Cornwall appeal procedures.

Contractors, suppliers etc

The Freedom of Information Act covers all information held by Healthwatch Cornwall, including information provided to it by outside organisations such as contractors, tenderers, suppliers, and regulatory bodies. Healthwatch Cornwall will consult with outside organisations whenever information which they have to supply to Healthwatch Cornwall is the subject of a request. However, the ultimate legal responsibility for deciding whether or not information should be released under the Act or Regulations rests with Healthwatch Cornwall.

