

The Freedom of Information Act 2000 came into force fully on 1 January 2005. Under this Act everyone, for the first time, has a legal right of access to information held by over 100,000 public bodies ranging in size from Central Government Departments to GP Surgeries.

Lots of information is already available. A list of this, our Publication Scheme, can be found on our website at:

<http://www.southstaffshealthcare.nhs.uk/>

To receive information under the Freedom of Information Act you must make a written request – e-mail will do, and you must provide a contact address.

Once we have received your request we will respond within 20 working days.

There is some information we cannot share with you and some information will be available under the Data Protection Act or the Environmental Information Regulations. Where this is the case we will get in touch with you to explain any issues.

#### **Your request must be in writing and should be sent to:**

Service Relations Department  
South Staffordshire and Shropshire  
Healthcare NHS Foundation Trust, Trust  
Headquarters, St George's Hospital, Stafford  
ST16 3AG or to [enquiries@sssft.nhs.uk](mailto:enquiries@sssft.nhs.uk)

#### **What happens to your request?**

It will be logged onto a system, which will enable us to keep track of it and ensure that we respond to you promptly.

We will contact you if ...

- we need to clarify exactly what you want, for example if your request is very broad
- the information you have requested is exempted from the Act for any reason. We will explain why we are unable to meet your request
- we think the information may be exempt, but we are not sure, we will seek further advice before making a decision
- we need to charge you for the information, We will make a charge for providing the information if it costs more than £10.00, and may charge, or refuse to meet the request, if it will cost more than £450 to find all the information and provide it in the required format.

Once we have got all the information you require together we will send it to you.

We will meet your request within the 20 day period, unless any of the above apply. At all times we will keep you informed as to the progress of your request.

**Exemptions** - There are eight absolute exemptions, four of which are relevant to NHS bodies;

**Information accessible by other means** – see section 21 of the Act. This applies to information already published, for example, via our website

**Personal information** – see section 40. Such information is covered by the Data Protection Act and is generally only available to the person who is the subject of the information. If you want to request

information under the Data Protection Act you should contact the Company Secretary.

**Information provided in confidence** – see section 41. This applies to disclosure that would 'constitute a breach of confidence actionable by that other person.' This exemption will be particularly important in relation to commercially sensitive information provided by private suppliers. The exemption may be open to legal challenge.

Information whose disclosure is prevented by other legislation – see section 44. This will include information whose disclosure would constitute a contempt of court.

There are 17 categories of information subject to qualified exemptions, of which 8 might be of direct relevance to the NHS. Information intended for future publication – see section 22 of the Act. This will apply to, for example, draft reports. Public authorities refusing to release information for this reason will have to argue it is reasonable to expect the applicant to wait for publication.

**Law enforcement** – see section 31. This will include information that might prejudice the detection of a crime or the apprehension of offenders. It could therefore include details of internal investigations that may lead to criminal prosecutions.

**The effective conduct of public affairs** – see section 36. This exempts information if 'in the reasonable opinion of a qualified person, disclosure of the information ... would, or would be likely to, inhibit:  
- the free and frank provision of advice

- the free and frank exchange of views for the purpose of deliberation  
- or would otherwise prejudice --- the effective conduct of public affairs.'

**Health and safety** – see section 38. This will apply to information whose release could prejudice the health and safety of the public or employees.

**Environmental information** – see section 39. This is covered by the Environmental Information Regulations which allow access to this information, subject to a further range of exemptions

**Personal information** – see section 40. If the information is about the applicant the request may be covered by the Data Protection Act.

**Legal professional privilege** – see section 42. This will apply, for example, to internal legal advice documents.

**Commercial interests** – see section 43. This will apply to trade secrets and to information that might otherwise prejudice a company's commercial interests

If you are unsure about whether the information you require is affected by any of these exemptions, or you would like any further advice about them, please contact us.

If we do not supply you with the information you have requested, or you are unhappy about the way we have dealt with your request, you can complain. In this case you should write to:

Service Relations Dept  
South Staffordshire Healthcare NHS Trust  
Trust Headquarters, St George's Hospital,  
Stafford ST16 3AG

If you are still not satisfied with the reason the information was withheld, you can appeal to the Information Commissioner

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

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

# Freedom of Information Act Requests

## A Guide for the Public

**July 2011**