

Milborne Port Surgery and Templecombe Surgery

FREEDOM OF INFORMATION POLICY

INTRODUCTION

The following policy sets out the approach to the Freedom of Information (FoI) Act by this practice.

POLICY

- The practice will comply with the FoI Act and sees it as an opportunity to enhance public trust and confidence in the practice.
- The practice will maintain a comprehensive “Publication Scheme” that provides information which is readily accessible without the need for a formal FoI Request.
- The practice will seek to satisfy all FoI requests promptly and within 20 working days. However, if necessary we will extend this timescale to give full consideration to a Public Interest test. If we do not expect to meet the deadline, we will inform the requester as soon as possible of the reasons for the delay and when we expect to have made a decision.
- The practice will continue to protect the personal data entrusted to us, by disclosing it only in accordance with the Data Protection Act 1998
- The practice will provide advice and assistance to requesters to facilitate the use of FoI Act. We will publish our procedures and assist requesters to clarify their requests so that they can obtain the information that they require.
- The practice will work with NHS Somerset and other bodies with whom we work to ensure that we can meet our FoI obligations, including the disclosure of any information that they hold on our behalf.
- The practice will apply the exemptions provided in the FoI Act and, where qualified exemptions exist, the Practice will disclose the information unless the balance of public interest lies in withholding it.
- The practice will consult with third parties before disclosing information that could affect their rights and interests. However, according to the FoI Act, the Practice must take the final decision on disclosure

- The practice will charge for information requests in line with the FoI Act Fees Regulations or other applicable regulations, including the Data Protection Act 1998
- The practice will record all FoI Act requests and our responses and will monitor our performance in handling requests and complaints
- The practice will ensure that all staff are aware of their obligations under FoI Act and will include FoI Act education in the induction of all new staff

Freedom of Information

The Freedom of Information (FOI) Act was passed on 30 November 2000. It gives a general right of access to all types of recorded information held by public authorities, with full access granted in January 2005. The Act sets out exemptions to that right and places certain obligations on public authorities.

FOI replaced the Open Government Code of Practice, which has been in operation since 1994.

Data Protection and FOI – how do the two interact?

The Data Protection Act 1998 came into force on 1 March 2000. It provides living individuals with a right of access to personal information held about them. The right applies to all information held in computerised form and also to non-computerised information held in filing systems structured so that specific information about particular individuals can be retrieved readily.

Individuals already have the right to access information about themselves (personal data), which is held on computer and in some paper files under the Data Protection Act 1998.

The right also applies to those archives that meet these criteria. However, the right is subject to exemptions, which will affect whether information is provided. Requests will be dealt with on a case by case basis.

The Freedom of Information Act and the Data Protection Act are the responsibility of the Lord Chancellor's Department. A few of its strategic objectives being:

- To improve people's knowledge and understanding of their rights and responsibilities
- Seeking to encourage an increase in openness in the public sector
- Monitoring the Code of Practice on Access to Government Information
- Developing a data protection policy which properly balances personal information privacy with the need for public and private organisations to process personal information

The Data Protection Act does not give third parties rights of access to personal information for research purposes.

The FOI Act does not give individuals access to their personal information, though if a request is made, the Data Protection Act gives the individual this right. If the individual chooses to make this information public it could be used alongside non-personal information gained by the public under the terms of the FOI Act.

Any information requests, questions, comments or complaints about this Publication Scheme should be sent in writing to the Practice Manager, Milborne Port Surgery, Gainsborough, Sherborne, Dorset. DT9 5FH

Freedom of Information Requests

Background:

The Freedom of Information Act 2000 aims to ensure that general practice contractors providing general or personal medical services are open to the public concerning the way we operate.

Routinely Published Information:

In compliance with the Act, the surgery has developed a Publication Scheme, which details all of the information that we routinely publish. If you would like a copy of the Scheme please contact 01963 250334 or click the link here: [Freedom of Information 2009](#)

Further information can be obtained at:

<http://www.ico.gov.uk/>

Who can request information?

Under the Act, any individual is able to make a request to the surgery for information. An applicant is entitled to be informed in writing by the surgery, whether the surgery holds information required and if this is the case, to have the information communicated to him/her.

How can a request be made?

Requests must –

- Be made in writing (this can be electronically e.g. e-mail using the 'contact us' section of this website or by fax)
- State the name of the applicant and an address for correspondence
- Describe the information requested

What will the surgery do?

Following a request the surgery will reply within 20 working days of the request being made to say if the information is available or not. The surgery will then try to provide the information in the preferred format of the applicant. Information may be shared on a website or on hard copy.

Do I Have to Pay for Information?

As a general rule:

- Most items listed in the Publication Scheme is available free of charge, however, if providing a hard copy is required that may be chargeable.
- Contact Details

Please send requests by letter to:

The Practice Manager, Milborne Port Surgery, Gainsborough, Sherborne, Dorset DT9 5FH

Is There Any Information that the Surgery Will Not Give me?

The surgery will make every effort to provide you with a copy of the information requested and may have to ask you a few questions to make sure that we provide you with what you want. There may be some documentation or certain parts of that documentation which we are not allowed to release. Some examples of information we would not be allowed to release under this Act are:

- Someone else's medical records (protected by the Data Protection Act 1998)
- Personal information (protected by the Data Protection Act 1998)
- A company's trade secrets.
- Any information held in Court records