



Norfolk and Suffolk
Integrated Care Board

NHS Norfolk and Suffolk Integrated Care Board

Freedom of Information Act 2000 Policy



1. Version Control

Version	Date	Author and Role	Detail of Change
0.1	13/01/2026	Corporate Governance Manager - NWICB	Initial draft
0.2	13/01/2026	Corporate Governance Manager - NWICB	Updated wording to 6.13 re Publication Strategy
0.3	13/01/2026	Corporate Governance Manager - NWICB	Minor updates to wording in sections 1, 4 and 6 and link removed from section 14 (duplicated)
0.4	13/01/2026	Corporate Governance Manager - NWICB	Evaluation plan added Bullet points added, page 22 Information Asset Owners removed
1.0	01/04/2026	Board	Approved

Policy Owner: Isla Kaye, IG Officer & FOI Lead

Responsible Committee: Audit and Risk Committee

2. Next Review Date

The date this policy is due for review is: 1 April 2027

3. Contents

Contents

Freedom of Information Act 2000 Policy	1
1. Version Control	2
2. Next Review Date	2
3. Contents	3
4. Statement of Overarching Principles	4
5. Introduction	4
6. Purpose	4
7. Scope	4
8. Cross Reference to Other Policies	5
9. Roles and Responsibilities	5
10. Information Captured by the FOI Act 2000	6
11. Freedom of Information Act 2000	6
12. Environmental information regulations (EIR) 2004	9
13. Datasets, re-use of information and copyright.....	9
14. Data protection/ disclosure of staff names and details.....	9
15. Records Management.....	10
16. Training and Compliance	10
17. Equality Statement	11
APPENDIX 1: EQUALITY IMPACT ASSESSMENT	12
APPENDIX 2: FOI BACKGROUND AND OUR DUTIES	15
APPENDIX 3: SUMMARY OF KEY ACTIONS AND TIMESCALES.....	16
APPENDIX 4: EXEMPTIONS	19
APPENDIX 5: INTERNAL REVIEW PROCEDURE	22
1. The right to appeal.....	22
2. Informal requests	22
3. Formal requests	22
4. Helpline: 0303 123 1113	23

4. Statement of Overarching Principles

- 4.1. All Policies, Procedures, Guidelines and Protocols of the Norfolk and Suffolk Integrated Care Board (ICB) are formulated to comply with the overarching requirements of legislation, policies or other standards relating to equality and diversity

5. Introduction

- 5.1. This policy is for Norfolk and Suffolk Integrated Care Board (hereafter "the ICB"). See Appendix B for further information re background and duties.
- 5.2. It sets out how the ICB will comply with its obligations under the Freedom of Information Act 2000 (FOI Act) and the Environmental Information Regulations 2004 (EIR).
- 5.3. The FOI Act and EIR provide a general right of access to recorded information held by public authorities, promoting openness, transparency and accountability.
- 5.4. FOI is retrospective and applies to all recorded information held by the ICB, regardless of when it was created. It does not oblige public authorities to create information for the purposes of responding to requests for information or to retain information which is no longer necessary for it to keep.
- 5.5. This policy does not override the common law duty of confidence or the statutory provisions that prevent disclosure of personal data, i.e. Data Protection Act 2018 and UK GDPR.
- 5.6. Compliance with the FOI Act and the EIR is overseen and regulated by the Information Commissioner's Office (ICO) the UK's independent body established to uphold information rights. The ICO can monitor organisational compliance, issue undertakings, serve Decision and Enforcement Notices and, if needed, initiate court proceedings to ensure compliance.

6. Purpose

- 6.1 This policy provides the ICB and public with a framework within which the ICB will ensure compliance with the FOI Act and EIR. It outlines:
 - legislative context
 - roles and responsibilities
 - processes for implementation
 - and how compliance will be monitored.

7. Scope

- 7.1. This policy applies to all staff and workers engaged by the ICB and to anyone acting on its behalf.
- 7.2. The ICB is committed to proactively publishing information via its Publication Scheme and responding to requests within statutory timescales.
- 7.3. Operational procedures underpin this policy and are summarised at Appendix 3.

8. Cross Reference to Other Policies

- ICB Constitution
- Information Governance Framework
- Records Management
- Data Protection Policy
- Publication Scheme
- [Freedom of Information Act 2000](#)
- [The Environmental Information Regulations 2004](#)
- [Data protection: The UK's data protection legislation - GOV.UK](#)
- [Section 45 – Code of Practice, request handling | ICO](#)
- [Section 46 Code of Practice – records management | ICO](#)
- [Freedom of information guidance and resources | ICO](#)

9. Roles and Responsibilities

9.1. Table outlining the roles and responsibilities

Role	Responsibilities
Chief Executive Officer (Qualified Person)	Overall accountability for FOI and EIR compliance; acts as the ICB's "qualified person" for the purposes of applying necessary exemptions.
Senior Information Risk Owner (SIRO)	Executive lead, information risk; consulted where information risk is identified.
Executive Director of People, Governance and Corporate Services	The Executive lead for this policy and for effective delivery of FOI arrangements.
Executive Directors	Executive Directors of the ICB are responsible for overseeing FOI activities within their directorates in accordance with this policy. Executive Directors are not required to review and approve all responses coming out of their own directorates, for example, where information is not held. They are required to review complex and detailed responses and may also be asked to make decisions on complex issues and be the

	independent person to review decisions if an appeal is received.
Associate Director of Data Security, Risk and Protection/DPO	FOI function sits within this directorate and within the Information Governance team. The AD has operational oversight and responsibility for FOI.
IG Officer and FOI Lead	Operational lead for FOI; coordinates requests, provides advice and assistance, drafts exemptions and notices, maintains the FOI log, Publication Scheme and performance data.
Associate Directors	Coordinate searches and responses in their area; ensure timely, accurate returns; approve responses as required.
Commissioning Support Unit (if appointed)	Provides administrative support to FOI handling under agreement with the ICB.
All Staff and Managers	Recognize FOI/EIR requests; forward promptly to the FOI inbox; provide information within internal deadlines; handle records in accordance with policy.

10. Information Captured by the FOI Act 2000

- 10.1. The ICB is a public authority for the purposes of the FOI Act and EIR.
- 10.2. "Recorded information" includes information held in any form (paper or electronic), including, but not limited to, drafts, minutes, emails, diaries, handwritten notes, audio/video, CCTV images, SMS and WhatsApp messages.
- 10.3. Requests may arrive by email, post or other channels (including social media where identity and address for correspondence are provided). Such requests must be forwarded without delay to the FOI inbox. The ICB's social media accounts are monitored by the Communications and Engagement team as part of their routine activities. Any requests received via social media will be sent to the FOI inbox to be processed in the normal manner.

11. Freedom of Information Act 2000

- 11.1 **Publication Scheme:** The ICB adopts the ICO model publication scheme and proactively publishes information as set out therein.
- 11.2 **General rights of access:** Any person is entitled to be informed whether the ICB holds the recorded information requested and, where held, to have it communicated to them, subject to exemptions. The FOI Act only covers

requests for recorded information and does not cover instances where explanations, opinions, comment, interpretations or unrecorded discussions are requested.

In line with section 8 of the FOI Act, a request for information under the general rights of access must be received in writing, stating the name of the requester and an address for correspondence and describing the information requested.

The ICB will accept an FOI request verbally in circumstances where the enquirer would have great difficulty in putting a request in writing specifically due to disability. On these occasions, the member of staff taking the call will note as many details as possible which must include contact details and confirm the information sought back to the requester.

- 11.3 **Duty to provide advice and assistance:** In line with section 16 of the FOI Act the ICB will provide reasonable advice and assistance to requesters, including helping to refine requests.
- 11.4 **Time limits:** The ICB will respond within 20 working days of receipt of a request for information. Where a fees notice is issued, or clarification is sought, the statutory clock is stopped in line with the FOI Act and ICO guidance. The clock starts again, i.e. the 20 working days for complying with a request for information, when a clarified request or payment of fees is received.
- 11.5 **Charges and fees:** The ICB may charge disbursements and apply the cost limit (currently £450/18 hours at £25 per hour) as per the Fees Regulations to requests which would exceed 18 hours to locate and collate the information sought.
- 11.6 **Means of communication:** Where practicable, information will be provided in the format reasonably sought by the requester.
- 11.7 **Organised campaigns:** The ICB may consider aggregating the cost of handling requests where multiple related requests are received as part of an apparent campaign and publish information if appropriate.
- 11.8 **Politically sensitive requests:** The Communications team will be alerted where appropriate while protecting requesters' anonymity.
- 11.9 **Transferring requests:** Where information is not held but is likely held by another public authority, the ICB will advise the requester. The ICB may also assist the requester and, with their consent, may transfer the request to the appropriate public authority.
- 11.10 **Consultation with third parties:** In line with the Section 45 Code of Practice, the ICB will consult third parties where disclosure may affect their rights/interests, particularly for confidentiality or personal data considerations. The fact that the third party has not responded to consultation does not relieve the ICB of its duty to disclose information under the FOI Act, or EIR, or its duty to reply within the time specified. In all cases, it is for the ICB, not the third party (or representative of the third party) to determine whether information

should be disclosed. A refusal to consent to disclosure by a third party does not mean that information should absolutely be withheld.

- 11.11 **Public sector contracts:** The ICB will avoid contractual clauses that unduly restrict disclosure beyond FOI exemptions and will draft confidentiality terms narrowly.

When entering contracts with non-public authority contractors, the ICB may accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. As recommended by the Ministry of Justice's Department, the ICB will reject such clauses wherever possible. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, the ICB will investigate the option of agreeing with the contractor a schedule of the contract that clearly identifies information that should not be disclosed. The ICB will take care when drawing up any such schedule and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the FOI Act, i.e. if an exemption is found not to be applicable. Any acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the ICO.

- 11.12 **Accepting information in confidence from third parties:** The ICB accepts information in confidence only where necessary and justifiable; general "confidential" markings alone are insufficient. Acceptance by the ICB of any confidentiality provisions must be for good reasons, capable of being justified to the ICO.

- 11.13 **Refusal of requests:** Requests may be refused in whole or part where information is exempt see Appendix D for further information, over cost limit, or vexatious/repeated. Refusal notices will cite reasons and rights of appeal. The ICB may rely on section 14 of the FOI Act where requests are disproportionate or repeated, considering context and history.

If the ICB anticipates that it will take more than 20 working days to reach a decision as to whether any part of the information requested is exempt under Part II of the FOI Act, the requester will be notified. When considering the public interest in disclosure beyond the original compliance date the requester will be advised which exemption is under consideration and the extended date for compliance will be provided.

Where a business area of the ICB has produced and published an FOI Publication Strategy detailing when information will be published, any request for that information will be refused pursuant to the exemption set at Section 22(1)(a)(b) "Information intended for future publication" and the requester will be directed to the published strategy.

- 11.14 **Complaints procedure:** The ICB will outline the procedure to be followed in the case of complaints relating to the way in which the request for information has been handled. The complaints process is known as an Internal Review. See Appendix E.

12. Environmental information regulations (EIR) 2004

- 12.1. Requests for environmental information may be made verbally or in writing. The ICB will respond within 20 working days (extendable to 40 for complex/voluminous cases) and apply EIR exceptions where relevant, subject to the presumption in favour of disclosure.

EIR requests can include:

- the state of the elements of the environment – e.g. air, atmosphere, water, soil, land, landscape and natural sites such as wetlands, coastal and marine areas, biological diversity and the interaction of these elements
- factors affecting (or likely to affect) the environment – including energy, noise, radiation, waste, emissions, discharges and other releases into the environment
- Measures – such as policies, legislation, plans, programmes, environmental agreements and activities affecting or likely to affect the elements and factors referred to above
- reports – on the implementation of environmental legislation
- economic analysis – including cost benefit and other analyses and assumptions used within the framework of measures and activities referred to above. Including contamination of the food chain, conditions of human life, cultural sites and built structures insofar as they are or may be affected by the state of elements of the environment.

13. Datasets, re-use of information and copyright

- 13.1. Where reasonably practicable, datasets will be released in re-usable formats and under the Open Government Licence (OGL) unless otherwise stated. Requests to re-use information will be considered in line with the OGL, relevant regulations and copyright law.

14. Data protection/ disclosure of staff names and details

- 14.1. In applying this policy, the ICB will have due regard for the [Data Protection Act 2018](#) and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access

to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues.

- 14.2. Band 9 and above senior leadership names and roles are published and can be disclosed in response to requests for information.
- 14.3. Other staff names may be disclosed where appropriate and lawful, taking account of role seniority, public-facing duties and data protection considerations. The FOI team will seek consent from other ICB staff where it is reasonably practicable to do so.
- 14.4. Requests for salary information will be answered, if applicable, by providing 'Agenda for Change' pay bands. Where a person falls outside of Agenda for Change pay bands, their salary will be given in £5,000 bands. Requesters will be referred to the ICB's Annual Report where possible.

15. Records Management

- 15.1. Records are managed in line with the Section 46 Code of Practice and the NHS Records Management Code of Practice. Email is a record and may be disclosable under FOI. It is an offence to alter or destroy information after a request is received.
- 15.2. FOI/EIR case records will be retained for 3 years, or 6 years where an appeal has taken place.
- 15.3. For monitoring and compliance purposes, the FOI team will keep a record of all requests for information, complaints and outcomes, see 10.2. This will include applications where all or part of the requested information is withheld.

16. Training and Compliance

- 16.1. The ICB will regularly review its FOI arrangements to ensure compliance with this policy.
- 16.2. The FOI team will maintain records of all FOI requests to assess performance in meeting the standards and statutory timeframes set out in the Lord Chancellor's Code of Practice.
- 16.3. Review findings will also be used by the FOI team to inform measures for improvement, including identifying any communications and training needs and whether new or revised procedures are needed to comply with the policy.
- 16.4. The FOI team will ensure training is available to those colleagues tasked with handling FOI requests within the ICB, as required. It is the responsibility of line managers to ensure that their staff are aware of this policy and procedure and how to deal with a FOI request should they receive one.

17. Equality Statement

- 17.1 This Policy will operate alongside the ICBs Equal Opportunities, Diversity at Work Policy, and Equality Delivery System. The ICB values the diversity of its employees, volunteers and people who are entitled to our services, irrespective of their race, disability, age, gender including sexual orientation, religion or belief, status, or grade.
- 17.2 The ICB assures employees, volunteers and people entitled to our services are treated fairly, equally and with respect and dignity. The ICB will challenge discriminatory attitudes and provide rules and standards of behaviour.
- 17.3 The use of this Policy will not discriminate directly or indirectly on the grounds of race, gender, sexual orientation, ethnic or national origin, religion, culture, disability, age, membership of a trade union or staff organisation or political affiliation.
- 17.4 The ICB will monitor the use of this Policy, as far as it is able, and take action if it appears that it is has a disproportionate effect.

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

Step 1: Aims and purpose of the proposal / policy being assessed (This should reflect what the policy is intending to achieve and how it seeks to achieve, it is this intention that the assessment seeks to measure, consider who benefits and how and who doesn't and why, also consider the impact of associated aims).

This policy sets out the way in which NHS Norfolk and Suffolk Integrated Care Board ("the ICB") handles Freedom of Information (FOI) requests. This includes responsibilities of staff. It aims to inform requesters how the ICB will deal with requests for information made to the organisation. To inform staff of the FOI policy and process and to ensure the organisation is compliant with legal requirements.

Step 2: Screening process for relevance to equality & diversity issues. Does this proposal / policy have any equality & diversity relevance in the following areas? (This should be considered in relation to the formulation and application of the policy. As far as possible engagement with the relevant staff network groups should take place to identify any potential areas of relevance).

Characteristic	Implication
A Age	No
B Disability	No
C Gender reassignment	No
D Marriage and Civil Partnership	No
E Pregnancy and maternity	No
F Race	No
G Religion or belief	No
H Sex	No
I Sexual orientation	No
J Other issues	No

Step 3: If you have answered, "Yes", to any of the protected characteristic boxes in Step 2, a full impact assessment is required

Are any of the protected characteristic boxes in Step 2 marked "Yes"? No

Step 4: Examination of available information (sources can include but are not restricted to – ESR data; MI relating to Recruitment /Employee Relations/Attrition; Industry best practice; legal overview; research articles; matters arising from judgements tested during consultation; consider four-fifths rule to assess difference).

N/A – see section 14 of the policy for reference documents

Step 5: Full Impact Assessment Process

Step 5a: Consultation Log

Where are the consultation records stored? N/A a consultation was not required.

Date of consultation	Method	Who was consulted	What was the outcome
N/A	N/A	N/A	N/A

Step 5b: EIA Action Plan: Workforce Impacts (internal). Potential issues or impacts (positive and negative)

Nil impacts or issues

Step 5c: EIA Action Plan: Service Delivery Impacts (external). Potential issues or impacts (positive and negative)

Nil impacts or issues

Step 6: Monitoring and review arrangements

How will the implementation of the proposal / policy be monitored, and by whom?

See section 11 of the policy. Implementation and monitoring will be by the FOI team.

What is the timetable for monitoring (with dates)?

As required with a minimum of annually, usually April, or sooner if legislative changes apply, or there has been an organisational change or a significant event.

Is there a plan to undertake an evaluation of this policy (with dates)?

Evaluation of this policy will take place quarterly in the Financial year 2026/27. The evaluation will be conducted by the IG Officer & FOI Lead and the Associate Director of Data Security, Risk and Protection/DPO. At the end of quarters 1 and 2, the evaluation focus will be on 'process' and 'impact' allowing time for 'outcomes' to materialise - quarters 3 and 4 will focus on all aspects of evaluation.

The frequency of evaluation will be reviewed in the Financial year 2027/28.

The evaluation will review 3 aspects:

1. The process

Is the handling of FOI requests working as intended by this policy?

What are the lessons learned and what could be improved?

2. Impact

Has the policy been delivered as intended?

Is the ICB complaint with the legislation and ICO Guidance?

What are the lessons learned and what could be improved?

3. Outcomes

Has the policy achieved its objectives?

What aspects of the policy achieved those objectives?

Is the ICB complaint with the legislation and ICO Guidance?

Step 7: Public availability of reports / result

This policy will be published on the ICB's intranet and public facing website.

APPENDIX 2: FOI BACKGROUND AND OUR DUTIES

The Freedom of Information Act 2000 (FOI Act) is a commitment to greater openness in the public sector, and this is supported by the ICB. The FOI Act sets out the basic rights of an individual or organisation to request and receive information held by a public body.

Transparency and accountability are fundamental principles for public bodies to adhere to. It is important that members of the public, media sources and Members of Parliament can question how public bodies operate and spend public money.

Replacing the non-statutory Code of Practice on Openness in the NHS, the FOI Act was formally passed in November 2000 and came into force on 1 January 2005.

The main features of the FOI Act are:

- A general right of access to recorded information held by public authorities, subject to certain conditions and exemptions
- Public interest test – in cases where information is exempt from disclosure, except where an absolute exemption applies, a duty on public authorities to inform the requester whether they hold the information requested and communicate it to them. Unless the public interest in maintaining the exemption in question outweighs the public interest in disclosure.
- A duty on every public authority to adopt and maintain a Publication Scheme
- An office of Information Commissioner with wide powers to enforce the rights created by the FOI Act and to promote good practice and a new Information Tribunal
- A duty on the Lord Chancellor to promulgate Codes of Practice for guidance on specific issues.

APPENDIX 3: SUMMARY OF KEY ACTIONS AND TIMESCALES

Timescale	Action	FOI team actions
Day 0	Request for information received in the ICB's FOI inbox or by post.	See within 3 working days below.
Immediately	<p>If received by other colleagues or alternative mailboxes forward the request to the FOI email inbox.</p> <p>If it's a postal request, scan and email to the FOI inbox.</p>	See within 3 working days below.
Within 3 working days	<p>Request acknowledged by the FOI team and response date provided to requester.</p> <p>Request for information with deadline for receipt of response information, sent directly to the relevant ICB colleague(s) from the Subject Matter Expert (SME) list.</p> <p>Where a different colleague is identified as appropriate to assist, the RFI is sent directly to them.</p>	<p>The FOI team will</p> <p>Keep the requester informed of progress</p> <p>Provide advice and assistance if required</p> <p>Request clarification if required</p> <p>Decide if a fee/charge is applicable and discusses with ICB FOI Lead</p> <p>Decide if the request can be met within applicable limits set in Fees Regulations</p> <p>Consider if information is exempt in part or whole</p> <p>Decide if the request is repeated/vexatious.</p>
Within 10 working days	Information is located and provided by the SME(s) and returned to the FOI team.	Not Applicable

Day 10	Information not received, a reminder is sent to the appropriate SME(s).	Not Applicable
Day 15	First breach warning is sent to the SME(s) and any agreed escalation manager.	Not Applicable
Day 18	Final breach warning sent to the SME(s) and agreed escalation manager.	Not Applicable
Before day 20	Final response sent to the FOI lead for approval.	Not Applicable
Within 20 working days	Response sent to requester.	Not Applicable
Within 40 working days (being the maximum extension)	If a complex public interest test was considered, the response is sent to the requester.	Not Applicable
Once Response received	Not Applicable	<p>The FOI team will</p> <p>Consider the requester's preferences regarding response format</p> <p>Draft a response and share it with the FOI lead for review</p> <p>Provide advice and assistance if required</p> <p>Draft a response to include the Public Interest Test argument if applicable</p> <p>Notify the requester if the request is refused for any reason.</p>

- If a request for clarification is made to the requester, then the 20-working day clock stops and restarts from the beginning once clarification required is received by the ICB.

- If a fee or charge is applicable to the information requested and the ICB has agreed, a Fees Notice/notification of a charge will be issued. The 20-working day timescale is suspended until the fee/charge is paid.
- Additional time to respond can be sought from the requester if the information is difficult to retrieve. This will only occur in exceptional circumstances.

APPENDIX 4: EXEMPTIONS

There are two types of exemptions:

- **Absolute exemptions**, which do not require a test of prejudice or balance of public interest to be in favour of non-disclosure
- **Qualified exemptions by the public interest test**, which require the public authority to decide whether it is in the balance of the public interest to either disclose or withhold the information.

Except for section 21 (information available by other means) absolute exemptions apply not only to the communication of information but also to the duty to confirm or deny, if that itself would disclose information that is reasonable to withhold.

The absolute exemptions set within the FOI Act are:

Section number	Reason for exemption
Section 21	Information reasonably accessible by other means – it may be reasonably accessible even if the requester must pay for it.
Section 23	Information supplied by, or relating to, bodies with security matters – this is aimed at the Security Services, Government Communications headquarters and the National Criminal Intelligence Service.
Section 32	Court records – covers documents in the custody of a court, created by a court or served on or by a public authority for court proceedings.
Section 34	Parliamentary privilege – to avoid infringing the privileges of either House of Parliament.
Section 40	<p>Personal information- Any information to which a request for information relates is exempt if it constitutes personal data of which the requester is the data subject.</p> <p>Any information to which a request for information relates is also exempt information if it constitutes personal data relating to third part and meets one of the following conditions:</p> <p><u>Condition 1</u></p> <p>a) the disclosure of the information to a member of the public would contravene any of the data protection principles or</p> <p>b) would do so if he exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.</p> <p><u>Condition 2</u></p>

	<p>It is also exempt if the disclosure of the information to a member of the public would contravene article 21 of the GDPR (general processing: right to object to processing)</p> <p><u>Condition 3</u></p> <p>a) it is also exempt if the information was requested under article 15(1) of the GDPR (general processing: right of access by the data subject) but would be withheld in reliance on a relevant provision in the Data Protection Act 2018</p> <p>It is also exempt if the information was requested under section 45(1)(b) of the GDPR (law enforcement processing: right of access of the data subject).</p>
Section 42	Information provided in confidence – if the disclosure of the information would constitute a breach of confidence that could lead to action against the ICB is disclosed
Section 44	Prohibitions on disclosure – information is exempt if its release is prohibited under any enactment, it is incompatible with community obligation or would constitute contempt of court.

The exemptions that are qualified by the public interest test are:

Section 22	Information intended for future publication – covers information held with a view to publication by the public authority or another person at some future date.
Section 24	National security – information can be exempt if it is required to safeguard national security
Section 26	Defence – information can be exempt if its release would affect the defence of the British Isle, any British colony or the capability and effectiveness of the armed forces
Section 27	International relations – information is exempt if its release would prejudice relations with another state, international organisation, international court or the interests of the UK abroad.
Section 28	Relations within the UK – covers information that would prejudice the economic interests of the UK or of any administration in the UK
Section 29	The economy – covers information that would prejudice the economic interest of the UK or of any administration in the UK
Section 30	Investigations and proceedings conducted by public authorities – covers information held for an investigation that the authority has a duty to conduct to decide if a person should be charged with or found guilty of an offence, relates to criminal proceedings that the authority has power to conduct or relates to civil proceedings brought by or on behalf of the authority.
Section 31	Law enforcement – information is exempt if its release would prejudice law enforcement. This includes the prevention and detection of crime, apprehension and prosecution of offenders, administration of justice, the operation of immigration controls and the security of prisons.

Section 33	Audit functions – this applies to authorities that have functions in relation to the audit of other authorities’ accounts and the examination of efficiency and effectiveness of the use of their resources. This does not cover internal auditing functions of authorities.
Section 35	Formulation of government Policy – relates to government departments and the National Assembly for Wales.
Section 36	Prejudice to effective conduct of public affairs – information is exempt if, in the opinion of a qualified person, it would prejudice how the Trust conducts its public affairs.
Section 37	Communications with Her Majesty, with other members of the Royal Household, and the conferring by the Crown of any honour or dignity.
Section 38	Health and safety – information is exempt if its disclosure would endanger the physical health, mental health or safety of any individual.
Section 39	Environmental information – covers information that can be accessed via the Environmental Information Regulations
Section 42	Legal professional privilege -
Section 43	Commercial interests – information is exempt if it constitutes a trade secret or would prejudice or be likely to prejudice the commercial interests of any person or organisation.

APPENDIX 5: INTERNAL REVIEW PROCEDURE

1. The right to appeal

The right to appeal is a fundamental part of the Freedom of Information (FOI) Act and the Environmental Information Regulations (EIR). This right can be exercised in two ways:

1. by an internal review using the ICB's procedures
2. by an external appeal to the regulatory body (Information Commissioner).

A requester can make an appeal/complaint or request a review regarding any of the following:

- a refusal of a request for information under FOI or EIR
- dissatisfaction with a response to a request
- the ICB's FOI and/or EIR Policy
- non-compliance with the publication scheme.

The ICB has one internal appeals process covering both FOI and EIR requests. Following this, requesters who remain dissatisfied can complain to the Information Commissioner.

2. Informal requests

Where possible and in line with ICO guidance, the ICB will take all reasonable steps to manage enquires which clearly do not require formal escalation in an informal manner. For instance, where a request is unclear or where the ICB may have misinterpreted a question. This is done to save ICB time and recourses but also to reply in a timelier manner. However, where this is not possible, the ICB will follow the steps below.

3. Formal requests

Requesters who are dissatisfied with the response they receive to their request are advised within the response to write to the ICB via the FOI team. Upon receipt, the following will take place:

- acknowledge the complaint within two working days
- review the procedure of the request in conjunction with the FOI Act and EIR
- ensure that the review will be undertaken, where possible, by a panel who were not involved in the original decision-making process
- communicate a fresh decision (taken by the panel) to the requester.

This will include:

- Whether there was an actionable breach of the FOI Act, for example the decision was reached within the statutory timeframe
 - Whether the requester was given adequate advice and guidance about their request
 - Whether the procedure (FOI Policy) for responding to the request was followed correctly, and the ICB acted lawfully in respect of the FOI Act
 - If an exemption was applied, the reasons were explained adequately to the requester
 - Provide a fresh outcome/decision into the request. Either upholding or overturning the original decision
 - Provide the requester with their rights to appeal to the ICO
- aim to provide a full response within 20 working days. If for any reason the ICB is unable to meet this target the requester will be kept informed of the progress. For complex complaints, or where it is necessary to reconsider the public interest test, reviews should be complete within 40 working days of receipt.

If the requester remains dissatisfied with the outcome, they have the right to refer their complaint to the Information Commissioner.

The Commissioner will investigate the case and may serve the ICB with a notice specifying information which the Commissioner requires the ICB to provide to be able to decide. The Commissioner's judgement upholding or not upholding the complaint will eventually be published as a Decision Notice on the ICO website.

If the complaint is upheld in whole or in part, the Decision Notice may require the ICB to release information to the requester which has previously been withheld or not provided with 35 days. The ICB and the requester have the right to appeal the Commissioner's decision to the first-tier information tribunal. Decisions of the tribunal can then be appealed to upper tier tribunal.

Requesters have the right to refer their complaint to the Information Commissioner at:

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

4. Helpline: 0303 123 1113

Email: [Contact us | ICO](#)

Website: [Information Commissioner's Office](#)

The Information Commissioner has responsibility for enforcing the Freedom of Information Act 2000 and Environmental Information Regulations 2004 and is an independent public official responsible directly to Parliament. The Commissioner's role is to:

- Promote good practice
- Approve and assist in the preparation of publication schemes
- Provide information about the public's rights under the Act and EIR
- Enforce compliance with the Act and EIR.

The Information Commissioner's guidance "Freedom of Information and Environmental Information Regulations – When and how to complain" can be obtained from the address above.