Blaenavon Medical Practice

Freedom of Information Act and Environmental Information Regulations

Purpose and Scope

In order to comply with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. the Practice ensures it has policies and procedures in place to satisfy the requirements of records management, publication schemes, access to information and complaints management.

The Freedom of Information Act 2000 gives anyone the right to access information held by public authorities. Subject to certain conditions and exemptions set out in the Act, an applicant has the right to ask *'do you have it'* and *'may I see it'.* Additionally, the Act puts a duty on the public authority to adopt and maintain a publication scheme.

The Environmental Information Regulations 2004 give members of the public the right to access environmental information held by public authorities. Information such as emissions, human health and safety and the state of the elements (water, air, soil, land and fauna) can be accessed under Environmental Information Regulations. The release of information can be subject to certain conditions and exceptions.

Freedom of Information Act 2000 and Environmental Information Regulation 2004

The Lead GP must appoint a lead for Freedom of Information (FOI) and Environmental Information Regulations (EIR) activities.

The Lead GP in conjunction with FOI/EIR Lead must produce and implement a Freedom of Information and Environmental Information Regulations Policy, which includes reference to Records Management.

The FOI/EIR Lead must ensure that all staff are aware of the Policy.

Procedure for Handling Freedom of Information and Environmental Information Regulations Requests

The FOI/EIR Lead must produce and ensure there is a procedure in place for handling Freedom of Information and Environmental Information Regulations Requests.

The Practice Manager must ensure that all applications under the general right of access are processed promptly and properly and within the 20 working days stated within the Act and Regulations.

On receipt of a valid request the FOI/EIR Lead must record the following information in a register:

- Initial date received at Practice
- Name and contact details for initial recipient
- Date received by FOI/EIR Lead
- Name of applicant

- Contact details
- Information requested

The FOI/EIR Lead must make an initial check of the Publication Scheme and Practice Internet site (if applicable) to find out if the information is already in the public domain.

The FOI/EIR Lead must make an initial response to the applicant within 2 working days, informing them that the request has been received and is being processed, or where they can find the information in the public domain. This action must be recorded in the register and the request closed if appropriate.

If the request is not precise enough to be processed, the response to the applicant must request that additional information be provided. The date of the request must be recorded in the register.

The FOI/EIR Lead must aim to identify where the information is held within the Practice within 2 and 5 working days.

The FOI/EIR Lead must review the information and separate any information to which an exemption or exception to release may be applied. If the exemption is a qualified exemption then the public interest test should be considered.

The FOI/EIR Lead must notify the applicant of any associated charge before the information is released. The fee should be levied in accordance with the Fee Regulations made under the Act and Regulations.

The FOI/EIR Lead will copy the information and despatch it by recorded delivery on receipt of payment (if applicable), explaining why any information has not been released.

If none of the information can be released, the FOI/EIR Lead must notify the applicant of the reason(s) why the information will not be disclosed, the exemption in question and why it applies. If the exemption is a qualified exemption, the FOI/EIR Lead will also have to include how they considered the public interest test.

The FOI/EIR Lead must:

Ensure complaints about any aspects of compliance with the Act and Regulations are dealt with promptly and properly under the Practice Complaints procedure.

Ensure complainants are informed of their right to complain directly to the Information Commissioner if the complaint remains unresolved.

Produce an up-to-date Publication Scheme and make it readily available to the public.

Ensure that the Publication Scheme is reviewed on an annual basis.

Make any relevant changes to circumstance are reflected in the Publication Scheme.

Records Management System

The Practice must introduce a common file naming convention to be used for both paper and computerised records, with the file reference distinguishing between the types of record.

The Practice must create a Central File and Tracking Index (CFTI) to record the location of records.

The filing system must include reference to :

- What files are in existence
- What their basic content is
- Whether the files are live and in use or archived
- What the destruction dates are for archived files
- Where they are located
- Whether they are needed for the Publication Scheme
- Whether they contain information covered by the Data Protection Act
- What classification the information falls within
- Who the owner is

All manual and computerised records relating to the principle activities of the Practice must be recorded in the Central File and Tracking Index

Paper Records

Manual (paper) records currently in existence or created in the future must be permanently filed in 'fit for purpose' folders within a structured system.

Files must be labelled to a common standard that enables records on any subject to be easily traced.

Every sheet of paper must be filed individually to ensure the records are complete.

The subject matter, classification, file reference and location must be recorded in the Central File and Tracking Index.

Electronic Records

Computer files must be labelled to a common standard that enables records on any subject to be easily traced.

Electronic records, that may include emails and attachments, must reside within properly constructed subject-based directories and sub-directories named in accordance with the common file naming convention.

The subject matter, classification, file reference (the long address file) and location must be recorded in the Central File and Tracking Index.

An archive section must be created on the server to enable the files to be managed in the same way as paper records.

Retention and Destruction of Records

Retention and Destruction of Records must be managed within the current NHS Guidelines – WHC (2000) 71 for most records and HSC/217 1999 and WHC (99) 7 for

General Medical Practitioner Records.

Reviewed November 2017	No alterations (MP)	For Review January 2019