

OFFICIAL



# Freedom of Information and Environmental Information Policy

Version 3.0

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## 1. Introduction

- 1.1. The [Freedom of Information \(Scotland\) Act 2002](#) (FOISA) and the [Environmental Information \(Scotland\) Regulations 2004](#) (EIRs) give a general right of access to recorded non-personal information held by public authorities subject to certain exemptions. The Acts require NHS 24 to either make available the information requested by an applicant or to explain why the information is being withheld.
- 1.2. NHS 24 must have a [Publication Scheme](#) which sets out the information that they will routinely publish. The [Scottish Information Commissioner](#) is responsible for enforcing and promoting both Acts.
- 1.3. NHS 24 aims to improve transparency in its activities to enable its patients, their carer's, families, the public and employees to verify that the information NHS 24 holds on them is accurate and processed legitimately.

## 2. Policy Objectives

- 2.1. The objectives of this policy are:
  - Ensure that we meet our obligations regarding processing requests for information under the terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.
  - Ensure that we meet our obligations regarding processing other requests for access to personal information in compliance with the relevant legislation,
  - To set our responsibilities for responding to and managing Freedom of Information and Environment Information requests.
  - Provide assurance that information is being managed by NHS 24 in accordance with the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

## 3. Policy Statement

- 3.1 NHS 24 will take all reasonable measures to comply with its legal responsibilities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulation 2004 and in complying with the Scottish Ministers' Section 60 Code of Practice.

## 4. Scope of the Policy

- 4.1. This policy applies to all NHS 24 employees in relation to all the information NHS 24 holds i.e. all the information created, received and maintained by staff of NHS 24 in the course of their work (excluding personal information).
- 4.2. Information can be held in all types of media, but will most often be either paper or electronic.
- 4.3. Access to personal information held by NHS 24 is covered under the Access to Personal Information Policy which is available on the NHS 24 intranet.

- 4.4. This policy excludes requests for access to personal data for business as usual purposes including information sharing to support the provision of services, business planning, audit or research and development.

## 5. Responsibilities

### 5.1. Chief Executive

The Chief Executive has overall responsibility for ensuring that processes are in place for responding to requests under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

### 5.2. Senior Information Risk Owner (SIRO)

The Senior information Risk Owner has responsibility for the management and mitigation of risks associated with NHS 24's information management processes.

### 5.3. Information Asset Owners (IAO)

Information Asset Owners are responsible for the information held within their area of responsibility and therefore in ensuring that the information is available in response to requests under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 subject to any relevant exemptions.

### 5.4. Communications Team

The communications team are responsible for the monitoring of FOI's which may have a reputational impact on NHS 24 and its services and should be included in reviewing/inputting to all relevant responses which fall within this category.

### 5.5. Head of Information Governance and Security and DPO

Has responsibility for co-ordinating NHS 24's Freedom of Information and Environment Information function. These responsibilities include ensuring that all relevant policies, protocols, procedures and guidance are reviewed within the appropriate timescales; promoting compliance with the Acts and providing guidance, advice and assistance to NHS 24 staff.

### 5.6. Line Managers

Managers must ensure that staff under their direction and control are aware of this policy and that they may be required to provide information that they hold to fulfil a request for information, this may include correspondence held within their email mail box and other Microsoft 365 Apps, such as (but not limited to) Teams, SharePoint, Sway, Forms and OneDrive.

### 5.7. Staff

All staff are responsible for processing information in accordance with the legislation and must adhere to this policy, protocols, procedures and guidance as laid down by NHS 24. In particular all staff must, when requested, undertake the appropriate searches and submit all information requested to the team processing the request for information within the defined timescales.

## 6. Policy Principles

- 6.1. Requests for access to information must be made in writing, or in another form which, by reason of its having some permanency, is capable of being used for subsequent reference (as, for example, a recording made on audio or video tape). In

this regard email correspondence is acceptable as is a request made on a frontline recorded telephone line.

- 6.2. All requests for access to information under FOISA and the EIR's should be directed to the Information Governance and Security Team who will process the request in conjunction with the relevant department. The requests should be directed to [FOI@nhs24.scot.nhs.uk](mailto:FOI@nhs24.scot.nhs.uk)
- 6.3. The Information Governance and Security team are responsible for developing supporting processes and procedures for FOISA and EIR information access requests.
- 6.4. All FOISA and EIR requests will be processed in compliance with the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.
- 6.5. Other legitimate requests for access to personal information must be processed in line with the associated legislation.
- 6.6. Once a valid Freedom of Information or Environmental Information request has been received it must be responded to within 20 working days. If the request is for environmental information and the information is complex and voluminous then NHS 24 may be able to extend this period to a maximum of 40 working days, further information is available from the Information Governance and Security team.
- 6.7. It is an offence under both FOISA (Section 65) and the EIR's (Section 19) for staff to alter, deface, block, erase, destroy or conceal a record with the intent of preventing disclosure.
- 6.8. Any persons who is dissatisfied with the response or the way their request has been handled may ask NHS 24 to review their decision, thereafter they may appeal to the Scottish Information Commissioner's Office using this link [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal) (for more details see <http://www.itspublicknowledge.info/>).

## 7. Governance, Monitoring & Review

- 7.1. The Information Governance and Security Team will review the status of all currently active FOI and EIR requests on a weekly basis to ensure that the requests are being dealt with by the FOI Leads.
- 7.2. Routine reports will be submitted to the Information Governance & Security Group (IGSG), which is the group responsible for ensuring that NHS 24 has a robust Freedom of Information and Environment Information governance framework in place. The IGSG will specifically monitor compliance with the time limit defined within the legislation for responding to information requests.
- 7.3. Information requests under the legislation will be regularly reported to the relevant Governance Committees, which are responsible for oversight of information governance arrangements and considering and scrutinizing NHS 24's compliance with relevant legislation and national standards with regards to information governance and security.
- 7.4. NHS 24 will continue to develop and expand on policies and procedures to ensure that appropriate standards are defined, implemented, maintained, assured and evaluated to ensure information rights are respected. This policy will be reviewed

and approved every two years by the IGSG.

## 8. Relevant Legislation, Guidance and Codes of Practice

8.1. This policy should be read in conjunction with the following:

### **NHS 24**

Information relating to FOISA and the EIR's including the NHS 24 Publication Scheme and relevant protocols and processes can be found on the NHS 24 intranet.

### **Legislation**

[Freedom of Information \(Scotland\) Act 2002](#)

[Environmental Information \(Scotland\) Regulation 2004](#)

[Environmental Information \(Scotland\) Amendment Regulations 2013](#)

### **Scottish Information Commissioner's Office Guidance**

[Briefings and Guidance](#)