

POLICY DOCUMENT

Information Requests Procedure

2018 – (Version 1.0)

CS>SMT>G&R>Board

Policy Review Schedule

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Policy Owner: Governance, IT & Facilities Manager

Amendment Overview

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2018 – 1.0	06/04/2018		Regionally developed policy adopted and amended to suit NIMDTA.	Mark Oliver
2018 – 1.0	26/04/2018		Presented to NIMDTA Board. Approved.	

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Role of the Northern Ireland Medical and Dental Training Agency

The Northern Ireland Medical and Dental Training Agency (NIMDTA) is an Arm's Length Body sponsored by the Department of Health (DoH) to train postgraduate medical and dental professionals for Northern Ireland. NIMDTA seeks to serve the government, public and patients of Northern Ireland by providing specialist advice, listening to local needs and having the agility to respond to regional requirements.

NIMDTA commissions, promotes and oversees postgraduate medical and dental education and training throughout Northern Ireland. Its role is to attract and appoint individuals of the highest calibre to recognised training posts and programmes to ensure the provision of a highly competent medical and dental workforce with the essential skills to meet the changing needs of the population and health and social care in Northern Ireland.

NIMDTA organises and delivers the recruitment, selection and allocation of doctors and dentists to foundation, core and specialty training programmes and rigorously assesses their performance through annual review and appraisal. NIMDTA manages the quality of postgraduate medical and dental education in HSC Trusts and in general medical and dental practices through learning and development agreements, the receipt of reports, regular meetings, trainee surveys and inspection visits. It works in close partnership with local education providers to ensure that the training and supervision of trainees support the delivery of high quality safe patient care.

NIMDTA recognises and trains clinical and educational supervisors and selects, appoints, trains and develops educational leaders for foundation, core and specialty medical and dental training programmes throughout NI.

NIMDTA is accountable to the General Medical Council (GMC) for ensuring that the standards set by the GMC for medical training, educational structures and processes are achieved. The Postgraduate Medical Dean, as the 'Responsible Officer' for doctors in training, has a statutory role in making recommendations to the GMC to support the revalidation of trainees. Revalidation is the process by which the GMC confirms that doctors are up to date and fit to practice. NIMDTA also works to the standards in the COPDEND framework for the quality development of postgraduate Dental training in the UK.

NIMDTA enhances the standard and safety of patient care through the organisation and delivery of relevant and valued career development for general medical and dental practitioners and dental care professionals. It also supports the career development of general medical practitioners and the requirements for revalidation through the management and delivery of GP appraisal.

NIMDTA aims to use the resources provided to it efficiently, effectively and innovatively. NIMDTA's approach to training is that trainees, trainers and educators should put patients first, should strive for excellence and should be strongly supported in their roles.

Executive Summary

The purpose of this document is to help staff understand what constitutes an information request, and to outline the procedure to be followed when a request for information is made under GDPR, FOI or EIR.

It outlines the responsibilities of BSO Corporate Services in the handling of information requests and also those of NIMDTA staff.

Policy Influence

This policy has been influenced by the following:

- The General Data Protection Regulations (GDPR)
- The Freedom of Information Act (2000) (FOI)
- Environmental Information Regulations (2004) ('EIR')

Policy Impact

This policy may have an impact on the following:

- Freedom of Information Policy
- Freedom of Information Publication Scheme
- Processing and Sharing of Information Relating to Doctors and Dentists
- IT Policy
- Records Management Strategy
- Disciplinary Procedure

1. **Introduction**

The purpose of this document is to help staff understand what constitutes an information request, and to outline the procedure to be followed when a request for information is made via one of the following:

- The General Data Protection Regulations (GDPR)
- The Freedom of Information Act (2000) (FOI)
- Environmental Information Regulations (2004) ('EIR')

1.1. **GDPR**

GDPR replaces the Data Protection Act (1998), and is designed to harmonise data privacy laws across Europe.

Under Article 15 of GDPR, an individual has the right to request copies of information held about them. This is known as a subject access request (SAR).

A SAR is usually made by the individual to whom the information relates. There are however instances where a person may request access to information about another individual. For example:

- A parent or guardian can request information relating to their child;
- Solicitors representing an individual;
- The police, for the prevention or detection of crime

1.2. **FOI**

Under FOI, any member of the public is entitled to make a request for information, to be informed in writing whether or not the information exists and to have that information communicated to them, unless an exemption applies.

1.3. **EIR**

Within FOI, specific arrangements are made for the exemption of information about environmental matters. This type of information is covered by EIR.

2. Scope

This procedure applies to all staff including regular full-time, regular part-time, sessional, board members, contractors, consultants, agency and temporary employees.

3. Roles and Responsibilities

3.1. BSO Corporate Services

BSO Corporate Services (BSO CS) is responsible for the day to day management of information requests, including:

- ensuring that all requests are logged, acknowledged and responded to;
- validating requests, including seeking proof of identification / authority to access personal information for SARs;
- ensuring that all information is collated;
- applying exemptions / exceptions correctly, including the production of a public interest test (PIT) where relevant¹;
- carrying out the public interest test if applicable;
- determining whether a request is considered vexatious or repeated;
- estimating indicative costs, to determine if it is likely that a fees notice or refusal notice will apply;
- facilitating any requests for internal review in line with section 12 of this procedure;
- conveying the final decision of the review panel when applicable;
- maintaining an up to date log of all information requests;

¹ BSO CS will also make a determination on whether it is more appropriate to 'neither refuse nor deny' rather than apply exemption / exception

Further information on the administration of these responsibilities may be viewed within the relevant policies.

3.2. All Staff

Staff should be aware that a request is deemed as 'live' at the point of receipt by anyone, not the date that it is sent to informationrequest.nimdt@hscni.net or BSO CS for onward processing. All staff are therefore responsible for:

- adhering to this procedure;
- ensuring all enquiries are passed to informationrequest.nimdt@hscni.net – NIMDTA Corporate Services staff will then forward to BSO CS for processing without delay;
- locating relevant information within their remit, and passing this information to BSO CS;
- collating the relevant information and providing it electronically (where possible) to BSO CS;
- providing any contextual information that may help BSO CS in the determination of whether an exemption is applicable;
- advising BSO CS at the earliest possible opportunity if there is likely to be a delay in collating the relevant information

3.3. Chief Executive Officer (CEO)

The CEO of each organisation, or an appropriate delegate, is required to sign the response to each request prior to release by BSO CS.

4. Processing requests

4.1. Forwarding requests

Any member of staff who receive a request for information, should immediately forward it to informationrequest.nimdt@hscni.net.

Upon receipt of the email into the informationrequest.nimmdta@hscni.net mailbox staff should immediately forward it to the appropriate BSO CS address:

- FOI / EIR: foi.bso@hscni.net
- SAR: dpa.bso@hscni.net

Staff should also note the distinction between formal FOI / EIR requests, and routine correspondence. Requests for information that can be treated as 'business as usual' (such as requests for brochures, published reports, etc.) - should be provided as routine correspondence, without being treated as an FOI/EIR request.

4.2. Logging / Tracking a request

All requests received should be logged and assigned a reference number by BSO CS, within **two working days** of their receiving the request.

BSO CS will maintain a log of all requests, which will include information such as:

- applicant details;
- statutory deadline²;
- information sought;
- current ownership;
- dates received / acknowledged / responded
- exemptions applied
- details of appeal

² For FOI and EIR, statutory timeframe is twenty working days. For SARs, this is a calendar month. For the purpose of processing requests, BSO therefore applies a statutory timeframe of twenty working days to all requests.

4.3. Acknowledging a request

All requests received will be acknowledged by BSO CS via letter or email (as appropriate) within **two working days**, outlining the refer date of receipt, the deadline for response and contact details for BSO CS.

4.4. Seeking clarification

If clarification is required from the applicant, BSO CS should seek it at the point of acknowledgement. Examples may include:

- clarifying any ambiguities;
- requesting proof of identification and/or authority as necessary

4.5. Information Gathering

BSO CS should liaise with the appropriate department / organisation that hold the information within **two working days** of receipt. This communication will include:

- the information being sought by the applicant;
- the deadline³ for receipt of this information by BSO CS

BSO CS may also, as appropriate, seek contextual information from the department / organisation, with the aim of determining whether information is held and/or whether an exemption or exception may apply⁴.

If the department / organisation become aware that it will surpass the cited deadline to compile the information, they should notify BSO CS immediately, along with an estimated date for return.

³ In order to allow sufficient time to consider the information and any relevant exemptions, BSO Corporate Services will normally request information to be returned within ten working days of the request being considered 'live'

⁴ For the avoidance of doubt, the responsibility for the application and communication of exemptions resides with BSO Corporate Services.

If further clarification is required in order to draft the response, BSO CS will contact the customer within **two working days** of receipt of all relevant information.

4.6. Escalation

If all relevant information is not provided to BSO CS within the requisite time, and there has been no communication of an expected delay from the relevant department / organisation, BSO CS may escalate the matter to an appropriate senior manager within the relevant department / organisation.

4.7. Notification of late response

Where it becomes apparent that a response to a request for information will exceed the statutory deadline, BSO CS will notify the applicant as soon as possible, and advise a revised timescale prior to the original deadline elapsing.

4.8. Applying exemptions

BSO CS will apply exemptions / exceptions, and conduct a PIT, as required.

4.9. Responding to a request

Once the relevant information has been received, SCS will draft a response and return to the customer for approval within a further **five working days**.

BSO CS will draft a response for each request which will include, as a minimum:

- A copy of the information being provided (not the original record);
- Explanation of any exemption(s) / exceptions that are being applied and their relevance to the particular request, if applicable;

- A statement of the applicant's right to appeal if they are dissatisfied with the response, including the right to refer a complaint to the ICO once the internal procedure has been exhausted;

This draft will be sent to the relevant department / organisation for signature by the appropriate CEO or delegated staff. Once the response has been signed and returned to BSO CS, it will be issued to the applicant on the **same working day**.

5. Processing review requests

5.1. Acknowledgement

On receipt of a request for internal review, BSO CS will provide an acknowledgement to the applicant within **two working days**.

5.2. Establishment of Review Panel

BSO CS will

- agree membership of the review panel⁵;
- establish a suitable date and venue for the panel to convene;
- provide all relevant information to the panel prior to the meeting, including a summary / timeline of events

The above should be established within five working days of receipt of a request for internal review.

⁵ To be considered 'independent' of the original decision, each panel should not consist of any personnel who were involved in the original decision-making or approval process. The panel should consist of 2 staff, of an appropriately senior level.

5.3. Meeting of the Review Panel

The review panel should meet within ten working days of receipt of a request for internal review. The purpose of the review panel will be to:

- determine whether the correct process (defined in Section 5) was followed;
- determine whether the initial decision was correct and, if not, what remedial actions should be implemented

A representative from BSO Corporate Services will attend the meeting to provide explanation for any initial decision(s) taken, but will not be permitted to have any input into the final decision. This representative will also provide a secretariat function, to ensure notes of the meeting are recorded.

5.4. Responding to a review request

The review panel will provide a record of their determinations to BSO CS within **five working days** of convening. BSO CS will draft a response to the review using this determination, and return to the panel for approval and signature within a further five working days following receipt.

Once the response has been signed by the panel and returned to BSO CS, it will be issued to the applicant on the same working day. This response will include details of the applicant's rights to appeal to the Information Commissioner's Office (ICO) if they remain dissatisfied.

6. Records Management relating to information requests

BSO CS will retain all relevant information relating to the request in accordance with regional retention and disposal schedules.

7. Review Statement

This procedure should be regularly reviewed, at a minimum every two years and amended to reflect changes in legislation or best practice and to accommodate lessons learnt.