

 <p>Fife Health & Social Care Partnership <small>Supporting the people of Fife together</small></p>	Document Owner:	Chief Officer, Fife Integration Joint Board	Document Number:	IJB.003
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Fife Integration Joint Board

Information Requests Policy

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1. Introduction

The Fife Integration Board is responsible for the integration of health and social care services in Fife. This includes the planning and delivery of integration arrangements and delegated functions. The IJB is commonly referred to as the Fife Health and Social Care Partnership – this is the public facing aspect of the Fife Integration Joint Board.

The IJB collects, creates and holds information relating to the development and delivery of health and social care services for adults and older people in Fife. This includes strategic, governance, financial, management, and statistical information, and some personal data about the individuals or service users who come into contact with the Board and the Fife Health and Social Care Partnership.

This policy identifies the IJB's approach to the release of information requested by members of the public, and external agencies or groups under the following legislation:

- Freedom of Information (Scotland) Act 2002 (FOISA)
- Environmental Information (Scotland) Regulations 2004 (EIR)
- General Data Protection Regulation (GDPR)
- Data Protection Act 2018 (DPA)

Anyone can ask the IJB for information, this policy explains how to recognise an information request, understand which legislation applies, and how to respond appropriately.

2. Scope

This policy applies to all of the information held by the IJB. This includes IJB data held in the devices, systems, applications and storage media of partner organisations (particularly NHS Fife and Fife Council), in web based and remotely hosted services, as well as personal computers, laptops, tablets and mobile phones.

This policy covers any individual with access to the IJB's information and records, including (but not limited to): Board members, professional advisors, employees of partner organisations, agency and other temporary employees, suppliers, contractors, and other third parties.

The IJB has related procedures for handling complaints and enquiries. These types of requests are managed on a case-by-case basis in accordance with relevant procedure(s) and legislation.

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3. Rights of Data Subjects

FOISA gives individuals the right to request and access information held by the IJB, within 20 working days, subject to certain conditions and exemptions. Requests must be in writing, contain the name of the person making the request and an address for responses, and include a description of the information requested.

EIR's provide a similar right of access to environmental information, this includes:

- the environment itself, including air, water, earth, and the habitats of animals and plants;
- other things that affect the environment, such as emissions, radiation, noise and other forms of pollution;
- policies, plans and laws on the environment.

EIR requests can also be made verbally, for example by telephone.

Data protection legislation gives individuals the right to request and access their own personal data which is held by the IJB. These requests are known as Subject Access Requests (SAR's). There are conditions that apply to the release or sharing of personal information. SAR's can be made verbally or in writing (including via social media), and in most cases, a response must be provided within one calendar month. Usually the individual will need to verify their identity before any personal data is released.

Further information on data protection is available in the IJB Data Protection Policy which is available here: www.fifehealthandsocialcare.org/publications/.

4. Publication Scheme

The IJB has an online Publication Scheme which includes details of information that has already been published. The IJB Publication Scheme is available here: www.fifehealthandsocialcare.org/publications/publication-scheme/.

Further details about the types of information held by the IJB and which could be requested are included in the Retention Schedule, available using the contact details provided below.

5. Exemptions and Exceptions

Information requested from the IJB will be provided to the requester wherever possible. In some cases, and in accordance with legislative requirements, exemptions / exceptions may be applied. Applicants will be notified, in the response, of any conditions or exemptions that have been applied to the information request.

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6. Requirement for Review

Individuals have the right to request a review of the handling of their information request.

FOISA (Section 20) gives applicants the right to request a review up to 40 working days from the date of the initial response, or where a response has not been provided, from the date on which the request / decision was due.

EIR's (Regulation 16) provides applicants with the right to request a review up to 40 working days from the date of the initial response, or where a response has not been provided, from the date on which the request / decision was due.

Data protection requests for review will usually be completed within one calendar month of the date that the request for review was received. In complex cases the timescale may be up to three months.

Applicants who remain dissatisfied once the review process is completed can appeal to the Scottish Information Commissioner (FOISA and EIR's) or (for data protection requests) to the ICO (Information Commissioner's Office).

7. Charges and Fees

Information and publications that are listed or presented on the IJB / Partnership website, or included in the Publication Scheme, are free to access unless otherwise stated.

The IJB does not charge for subject access requests under data protection legislation, except where multiple copies of the request are required, or requests are repeated within a short timescale. In these scenarios charges may be applied on a case-by-case basis.

The Freedom of Information (Fees and Appropriate Limit) (Scotland) Regulations 2004 will be applied to FOISA requests. Where appropriate, the FOISA Section 12 exemption may be applied.

Where relevant the IJB may charge a reasonable amount for making environmental information available. Any fee charged will not exceed the cost of making the requested information available to the applicant.

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8. Copyright and Re-Use

Unless otherwise stated the IJB holds the copyright for the information which it publishes online, or which is released under freedom of information legislation. Information may be copied or reproduced in accordance with the original purpose provided that the information is copied or reproduced accurately, is not used in a misleading context, is not used for profit, and the source of the material is acknowledged.

The IJB will consider applications for re-use of information for different purposes through the Open Government Licence. Further details on using the Open Government Licence are available here: www.nationalarchives.gov.uk/doc/open-government-licence/version/3/.

9. Roles and Responsibilities

IJB Chief Officer

The Chief Officer, also identified as the Director of Health and Social Care, has senior responsibility for all aspects of information management, performance, and compliance within the IJB. This includes:

- Authorising the IJB Information Requests Policy.
- Authorising responses before they are sent out to applicants.
- Providing quarterly statistics to the Scottish Information Commissioner.
- Ensuring that suitable training is provided to all Board members, partnership employees, and other individuals who access the IJB's information.

IJB Data Protection Officer

The Data Protection Officer is responsible for:

- Developing and maintaining the IJB Information Requests Policy, and supporting procedures and guidance.
- Ensuring that the Information Requests Policy is reviewed annually, and for providing advice and guidance on implementation.
- Logging and managing information requests received by the IJB.

All Individuals

All individuals who access IJB information must ensure that they understand their responsibilities in relation to information requests, and that they comply with the IJB's policies and procedures. This includes individuals acting in their capacity as IJB Board Members, and employees of partner agencies who provide support to the Health and Social Care Partnership as part of their work duties.

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10. Legislation, Regulation and Standards

This policy and associated guidance have been developed within the context of national legislation, professional standards, and codes of practice. Specifically this includes:

- Data protection legislation including GDPR (General Data Protection Regulation) and the UK Data Protection Act 2018.
- Guidance provided by the Information Commissioner (ICO).
- Freedom of Information (Scotland) Act 2002.
- Environmental Information (Scotland) Regulations 2004
- Code of Practice on Records Management issued under Section 61 of the Freedom of Information (Scotland) Act 2002.
- Public Records (Scotland) Act 2011.

11. Review

This policy will be reviewed annually, or sooner if required.

REVISION HISTORY

Date: January 2019

Revision: 1.0

Created by: L Gauld