

POLICY DOCUMENT

Freedom of Information Charging Policy

Policy Review Schedule

Date first Approved by the Board:

Dec 2008

Last Approved by the Board:

January 2016

Date of Next Review:

January 2018

Amendment Overview

Version	Date	Pages	Comments	Actioned
2008 - 1.0	Nov 2008		Policy developed.	Mark Oliver
2008 - 1.0	04/12/2008		Approved by NIMDTA Board	
2011 - 2.0	14/04/2011		Document reviewed and re-approved by NIMDTA Board	Mark Oliver
2011 – 2.0	20/04/2011		Issued to staff	
2011 – 2.1	19 Aug 2013	12	Updated to include 'Role of NIMDTA' and include new NIMDTA mission statement	Linda Craig
2014 – 3.0	17/02/2014	11	Role of NIMDTA updated.	Mark Oliver
2014 – 3.0	25/02/2014	11	Presented to G&R Committee for approval. Approved subject to a minor change.	
2014 – 3.1	27/02/2014	11	Presented to NIMDTA Board for approval. Deferred to next meeting of the Board due to non-quorate state.	
2014-3.1	11/03/2014	11	Presented to Extra-Ordinary meeting of NIMDTA Board for approval. Approved.	
2016 – 4.0	07/01/2016		Policy Reviewed – no changes made.	Mark Oliver
2016 - 4.0	21/01/2016		Reapproved by G&R Committee subject to minor amendments	
2016 – 4.0	26/01/2016		Reapproved by NIMDTA Board subject to minor amendments	

2016 – 4.1	11/02/2016	8, 10	Reference to “the public authority” changed to “NIMDTA. Reference to “Section 16” changed to “Section 16 of the FOI Act”.	Mark Oliver
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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, Social Services and Public Safety (DHSSPS) 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.

Policy Influence

This policy has been influenced by the following:

- Freedom of Information Act (FOIA) – Section 12
- Data Protection Act – Section 9A
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

Policy Impact

This policy may have an impact on the following:

- Freedom of Information Publication Scheme
- Freedom of Information Procedures Manual

1. Publication Scheme

The information listed within the publication scheme is provided free of charge by the means described.

2. Requests for Information

A request for information which is not contained within the Publication Scheme will normally be dealt with free of charge.

Charges may be made for actual disbursements incurred such as:

- Photocopying (no more than 10 pence per sheet)
- Postage and packaging
- The costs directly incurred as a result of viewing information.

Where the charge is calculated to be less than £10 it will be waived.

3. Appropriate Limit

Section 12 of the Freedom of Information Act (FOIA) provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit. The appropriate limit for the purposes of Section 12 of the FOI Act and Section 9A of the Data Protection Act has been set at £450 for public authorities other than central government, legislative bodies and the armed forces.

4. Assessing whether or not the appropriate limit is exceeded

The system of determining whether or not the appropriate limit would be exceeded should be relatively simple in the majority of cases. It will often be immediately obvious that the cost will not exceed the appropriate limit. The Northern Ireland Medical & Dental Training Agency (NIMDTA) will therefore not need to estimate the costs of such requests for the purpose of charging. However, if a request is more complicated and likely to take longer to answer, NIMDTA will consider on a case by case basis if it wishes to estimate in advance whether the appropriate limit would be exceeded. NIMDTA must make such an estimate before refusing a request for information.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations) set out what may be taken into account when NIMDTA is estimating whether the appropriate limit has been exceeded. The costs are limited to those that an authority reasonable expects to incur in:

- Determining whether it holds the information requested.
- Locating the information or documents containing the information
- Retrieving such information or documents.
- Extracting the information from the document containing it.

When estimating staff time costs NIMDTA (and other Public Authorities) uses the hourly rate of £25/hr.

5. Aggregating requests for costing purposes

In certain situations the costs of answering more than one request can be added together or aggregated for the purposes of estimating whether the appropriate limit would be exceeded in relation to any one of those requests. This only applies to requests under the Freedom of Information Act, not to subject access requests.

Requests can only be aggregated in the following circumstances:

- Two or more requests for information must have been made to the NIMDTA.
- They must be either from the same person, or from different persons who appear to NIMDTA to be acting in concert or in pursuance of a campaign.
- The requests must relate to the same or similar information.
- They must have been received by NIMDTA within a space of 60 consecutive working days.

This provision is intended to prevent individuals or organisations circumventing the appropriate limit by splitting a request into smaller parts.

6. Requests costing less than the appropriate limit

In cases where the appropriate limit has not been exceeded, the maximum fee that could be charged is based on NIMDTA's estimate of cost that it reasonably expects to incur in:

- Informing the applicant whether it holds the information.
- Communicating the information to the person making the request.

This includes the cost of:

- Putting the information in the applicant's preferred format, as far as this is reasonably practicable, as set out in Section 11 of the Act.
- Reproducing any document containing the information, e.g. photocopy or printing
- Postage and other forms of communicating the information.

When the appropriate limit has not been met, it is only these costs which can be taken into account for the purposes of calculating the maximum fee.

The cost of photocopying and printing will be no more than 10 pence per sheet of paper.

If a fee is to be charged a fees notice will be issued. The fees notice will be issued before any costs are incurred in preparing to communicate the answer to the request. When the fees notice has been issued the applicant has three months to pay.

When a particularly high charge is to be made an invitation will be made to the applicant to discuss whether a free or cheaper alternative format might meet his or her needs equally well.

If the actual cost of answering the request turns out to be greater than the estimated cost charged in the maximum fee, NIMDTA must bear the additional cost. A second fees notice cannot be issued.

If the actual cost of answering the request proves to be less than the fees charged a refund of the excess money will be made to the applicant.

7. Requests costing more than the appropriate limit

If requests for information are estimated to cost more than the appropriate limit, NIMDTA is not obliged to answer under Section 1 of the FOI Act. There is still an obligation to confirm or deny whether the information is held unless to do this would in itself exceed the appropriate limit. Section 16 of the FOI Act must be taken into consideration and advice and assistance will be provided in discussing whether the request can be refined to a manageable level or resubmitted in part.

If after providing advice and assistance the request is still over the appropriate limit, the applicant will be informed in writing.