

POLICY DOCUMENT

Freedom of Information Procedures Manual

Policy Review Schedule

Date first Approved by the Board: 2005

Last Approved by the Board: January 2017

Date of Next Review: January 2019

Policy Owner: Governance, IT & Facilities Manager

Amendment Overview

| Version | Date | Pages | Comments | Actioned |
|------------|------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 2005 - 1.0 | 2005 | | Produced and Agreed | Margot Roberts |
| 2005 – 1.1 | 03/2009 | | Reviewed to take into account the role of the IT & Records Management Officer | Margot Roberts |
| 2009 - 2.0 | 10/2009 | | Approved by SMT | |
| 2012 - 3.0 | 09/2012 | | Reviewed and reformatted into policy template. Minor amendments made following Governance & Risk Committee | Mark Oliver |
| 2012 – 3.0 | 27/09/2012 | | Presented to NIMDTA Board for approval. Approved | |
| 2012 – 3.1 | 19/08/2013 | 16 | Role of NIMDTA to be included at beginning of each policy and corporate document. Footer updated to include new NIMDTA mission statement | Linda Craig |
| 2014 – 4.0 | 17/02/2014 | | Role of NIMDTA updated. Email address updated. | |
| 2014 – 4.0 | 25/02/2014 | 16 | Presented to G&R Committee for approval. Approved subject to minor changes. | |
| 2014 – 4.1 | 27/02/2014 | 17 | Presented to NIMDTA Board for approval. | |
| 2014 – 4.1 | 11/03/2014 | 17 | Presented to Extra-Ordinary meeting of NIMDTA Board for approval. Approved. | |
| 2016 – 5.0 | 08/01/2016 | | Document reviewed with no amendments. | Mark Oliver |
| 2016 – 5.0 | 21/01/2016 | | Approved by G&R Committee subject to minor amendments. | |
| 2016 – 5.0 | 26/01/2016 | | Approved by NIMDTA Board subject to minor amendments | |
| 2016 – 5.1 | 17/02/2016 | 7 | Amendment to what to do on receipt of an application. Removal of flowchart summarising steps. | Mark Oliver |
| 2017 – 6.0 | 11/01/2017 | | Document reviewed and amended in light of retirement of Administrative Director | Gillian Kerr |
| 2017 – 6.1 | 25/01/2017 | | Minor amendments made following | Gillian Kerr |

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| | | | G&R, in preparation for Board approval. 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.

Policy Influence

This policy has been influenced by the following:

- Freedom of Information Act 2000
- Environmental Information Regulations Act 1992
- Data Protection Act 1998
- Guidance from Information Commissioners Office
- Lord Chancellor's Code of Practice on Section 45 of the Freedom of Information Act 2000 (November 2002)

Policy Impact

This policy may have an impact on the following:

- Freedom of Information Charging Policy
- Freedom of Information Publication Scheme

1. Introduction

The Freedom of Information Act 2000 and the Environmental Information Regulations Act 1992 create a general right of access to recorded information held by public authorities – with effect from the 1st January 2005

This ‘right’ is subject to certain conditions and exemptions. The intention of the Acts however is to provide transparency in the conduct of public affairs and these conditions/exemptions are therefore limited. Furthermore, the Acts place a statutory duty on public authorities to provide advice and assistance to applicants.

The purpose of this manual is to provide a process for dealing with a request for information, and has been compiled with reference to the Lord Chancellor’s Code of Practice on Section 45 of the Freedom of Information Act 2000 (November 2002). Although the Code does not have statutory force, authorities are expected to abide by the Code unless there are good reasons, capable of being justified to the Information Commissioner, why it would be inappropriate to do so.

All requests for information must be dealt with promptly and staff should adhere to the timescales indicated.

In the spirit of the Freedom of Information Act, we will attempt to deal with each enquiry in the ‘Normal Course of Business’ where possible.

2. Freedom of Information Requests

2.1 Information for Applicants

Contact details for applicants making requests for information or assistance:

Address : IT and Records Management Officer
 NI Medical and Dental Training Agency
 Beechill House
 42 Beechill Road
 Belfast BT8 7RL

Email : InformationRequest.nimdt@hscni.net

Phone: 028 9040 0000

Fax: 028 9079 8312

Web: www.nimmdta.gov.uk

Applicants are asked to note the following:

- In dealing with an information request the authority may need to consult other public authorities and/or third parties in order to reach a decision on whether the requested information can be released. Applicants who wish to be notified before any consultation is made should say so in their application.
- Charges may be levied for the provision of some information. Where this is the case we will notify the applicant of the charge and seek approval to proceed.
- Where NIMDTA does not hold the information we will use our best endeavours to transfer the request to the public authority, which will best be able to assist the applicant. We will contact the applicant and seek authorisation for the transfer of their contact details to the other public authority.
- Completed requests for information may be published. We will not normally publish the name of the applicant, but applicants who wish to be identified should say so when making their request.

2.2 Dealing with a Request for Information

Receiving a request for information:

- On receipt of an information request the member of staff should decide whether the request is a routine request in line with the accepted business practices of their department. If the staff member has any doubts in relation to whether the request is routine, or if they have any concerns about the sensitivity, confidentiality or accuracy of the information requested they must inform their Team Leader immediately and email the details to InformationRequest.nimmdta@hscni.net. It is important that this notification occurs at the earliest opportunity as the response time for an FOI request begins from the date it is received.
- If staff have any concerns regarding the application of these procedures they should contact InformationRequest.nimmdta@hscni.net.
- Information provided in the normal course of business should not take more than 20 days
- A list of the information held by NIMDTA can be found in its Publication Scheme. This is available on the NIMDTA website.

- Requests under FOI must be in writing and must include a contact name and address. The date received should be recorded.
- Requests under EIR can be verbal and the member of staff dealing with the initial request should ensure that the information required and the date requested is recorded, a contact name and address obtained.
- The request will be logged and acknowledged by the IT and Records Management Officer, who will also notify the DoH.

Checking and clarifying the request:

- The request will be checked by the Governance, IT & Facilities Manager and if the information requested is related to an ongoing investigation or litigation legal advice will be sought.
- The IT and Records Management Officer will liaise with the relevant Head of Department within 24 hours of the request being received to undertake a quick review of the scope of information which the organisation is likely to hold and identify any issues affecting the ability to respond eg
 - Sensitivity of the information
 - Retrieval difficulties
 - Cost implications
- The IT and Records Management Officer will seek to clarify with the applicant any ambiguities in relation to the request.
- If the request is ambiguous, the 20 day response time will be suspended until clarification in relation to the information sought is received.

Searching for the information:

- The Team Leader will complete a schedule (Appendix A) listing the information requested within 10 days. The schedule will contain the following information:
 - date of the record/information
 - author
 - the person/persons to which it is addressed or the title
 - a brief description of the record or its title
 - estimated retrieval time

The schedule will also contain space for indicating any potential exemptions/redactions although the exemptions will ultimately be determined by the Governance, IT & Facilities Manager.

Determining the cost of retrieving the information:

- The Team Leader will estimate the retrieval time based on the search results and the information schedule returned to the IT and Records Management Officer
- The IT and Records Management Officer will estimate the cost of retrieval
- The Governance, IT & Facilities Manager will decide whether a fee should be charged, whether the request is likely to be exempt or whether any information should be redacted.
- Where the request could be considered exempt on the grounds of cost the IT and Records Management Officer will liaise with the Departmental Team Leader in determining what information could be provided within the cost ceiling.
- The IT and Records Management Officer will respond to the applicant in writing confirming the information held by NIMDTA, whether an exemption is being claimed and including the fees notice. The applicant will be informed that the 20 day response time is suspended until payment of the fee and that the request will lapse if not paid within 3 months.
- The response will include a copy of the charging policy and notification that the applicant may be charged less if they do not require all the information listed.
- Information on calculating the cost of retrieval is contained in within the Freedom of Information Charging Policy.

Retrieving the information:

- Where there is no charge retrieval should commence immediately.
- Where a charge has been levied retrieval should, in theory, not commence until the fee has been received although it may be prudent to commence retrieval in anticipation of the fee being paid.
- If an applicant indicates that he/she is unwilling to pay the fee the Governance, IT & Facilities Manager will decide whether information can be released without charge.
- The Team Leader will provide the IT and Records Management Officer with 2 copies of all the documentation requested within 3 days following the decision to release.

Consulting with third parties:

- Where the requested information includes references to third parties the Governance, IT & Facilities Manager will decide whether the release of the information could constitute an actionable breach of confidence.
- If yes – the IT and Records Management Officer will contact the 3rd party for consent to disclose.
- The Governance, IT & Facilities Manager will be responsible for deciding whether it should be disclosed even where consent is withheld.

Redaction:

- The Governance, IT & Facilities Manager will confirm areas for full or partial redaction based on the exemptions and state the reasons on the Schedule of Information
- The IT and Records Management Officer will redact using a black marker or tippex the information to be hidden.
- Redacted information will be re-photocopied to ensure that any hidden information is completely obliterated.
- Copies of the redacted information or information not released will be attached to the Information Schedule containing the reasons for exemption or redaction and retained by the IT and Records Management Officer.
- Any information identified following the original search will be added to the Schedule.

Releasing the Information:

- The IT and Records Management Officer will release the information within 5 days of receipt of information confirming the information released and the reasons for any exemptions that have been applied.
- Copies of the information and papers relating to the request will be retained by the IT and Records Management Officer and held for 1 year following release of the information. Copies of any electronic files will be 'burnt' onto CD.
- If any information has been withheld from the response the applicant will be informed of NIMDTA's internal review procedure.

Internal Review Procedure:

- Applicants who consider that their request has not been properly handled or are dissatisfied with the outcome may ask for an internal review.

- The internal review will be carried out by the Chief Executive.
- The IT and Records Management Officer will log and acknowledge the review request and pass the information to the Chief Executive.
- The Chief Executive will review the original decision, taking into account the comments of the applicant, within 10 days of the request being received.
- If it becomes apparent that the review will take longer than 10 days the applicant will be notified and given an estimated completion date.
- The applicant will be notified of the review decision and advised of the right to appeal to the Information Commissioner.
- The applicant will also be informed of their right to complain, and provided with a copy of the Complaints Procedure if they feel they have not been treated appropriately by NIMDTA.

Review by the Information Commissioner:

- Upon receipt of request for papers from the Information Commissioner the IT and Records Management Officer will notify the Chief Executive and Governance, IT & Facilities Manager. The IT and Records Management Officer will send all papers relating to the request, including the review papers, to the Information Commissioner.
- Depending on the decision of the Information Commissioner, the Governance, IT & Facilities Manager will take action as appropriate.

Appendix A

FOI Search Results Schedule Form

REF _____

| Date | Sent By / Author | Sent to (if applicable) | Description / Contents | No of Pages and file size if electronic | Estimated time to locate and collate (Hours) |
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| Time Estimate Verified by: | |
| Date: | |