



Freedom of Information



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“The firm’s healthcare department is extremely expert, with a great depth of experience. Members are always helpful and approachable, and they provide the advice and support we require very efficiently.

Chambers UK

The Freedom of Information Act 2000 (FOIA) covers old and new information and applies to “information” recorded in any form.

The intention was to change the ability of the public to obtain information from Government, local authorities and other bodies carrying out public functions and to foster a culture of openness and transparency. For a policy statement of the Freedom of Information in the NHS, see www.icnhs.co.uk.

The FOIA 2004 provides a right of access to “non-personal” information held by public authorities. “Personal information” is exempt under the FOIA.

DPA and FOIA are ultimately the responsibility of the Lord Chancellor’s Department, the strategic objectives being:

- To improve people’s knowledge and understanding of their rights and responsibilities.
- Seeking to encourage an increase in openness in the public sector.
- Monitoring the Code of Practice on Access to Government Information.
- Developing a Data Protection policy which properly balances personal information privacy with the need for public and private organisations to process personal information.

Whilst there is an overlap in the DPA/FOIA objectives of access and openness:

- The DPA does not give third parties rights of access to personal information for research purposes.
- The FOIA does not give individuals access to personal information, the DPA gives the individual this right. If individuals choose to make this personal information public it could be used alongside non-personal information gained by the public under the terms of the FOIA.

All applications under DPA and FOIA must be subject to NHS Trust Policy and be handled with great care. Serious consequences can arise from inappropriate disclosure.

The information contained in this document provides background information only. The document may be misleading if relied upon as an exhaustive list of the legal issues involved. If any matter referred to in this document is sought to be relied upon, further information should be sought.