

Our ref: FOI1327

Date: 8 July 2016

By e-mail

Freedom of Information

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Southampton
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023 8087 4662

foi@southernhealth.nhs.uk
www.southernhealth.nhs.uk

Dear Mr Bell

Request for information dated 30 June 2016

I am writing further to your request for information dated 30 June 2016 concerning the Board Capability Review.

I can confirm that your request has been handled under the Freedom of Information Act 2000.

Having checked our records, I can confirm that the Trust does not hold the information you requested.

The reasons are as follows;

The Trust does not yet hold a copy of the information you have requested. By way of advice and assistance, the Trust's press statement made clear that Mr Smart has "**initiated** an independent Board Capability Review"

Although, as set out in the Trust's press statement, the initial conclusions in respect of the board as a whole, and in respect of some board members, have been shared with the Trust Chair by the external company conducting this review, the substantive report for the entire Board is not yet in the Trust's possession.

The information that the Trust holds so far is exempt under s 40(2) FOIA.

Section 40(2) FOIA exempts information where it would contravene the Data Protection Principles (set in the Data Protection Act 1998) to disclose it.

The Trust considers it would not be fair to the individuals concerned for incomplete information about them to be released at this time, and in particular prior to the detailed conclusions being shared with the Trust and the Trust's final response to these conclusions made.

Disclosure would therefore contravene the First, Third and Fourth data protection principles.

Section 40(2) is an 'absolute' exemption which does not require the Trust to go on to consider the public interest test in applying this exemption.

Whilst you are free to make the request again at a later date when the report in its entirety is in our possession, I would like to advise you that it is likely that aspects of the Review will remain exempt from disclosure "to the world" under the Freedom of Information Act, given:

- (1) the personal nature of the information that is likely to be included in the final Report, and
- (2) the importance of ensuring that the report can be considered by the Trust and any actions taken where necessary, without such actions being compromised by premature publication of the Report to the world at large under FOIA.

I trust you understand our response and are happy the way in which your request for information has been handled.

If, however you are dissatisfied with the way your request for information has been handled, you can request a review by writing to:

Head of Legal and Insurance Services, Southern Health NHS Foundation Trust, Tatchbury Mount, Calmore, Southampton, Hampshire, SO40 2RZ

If you remain dissatisfied with the handling of your request, you have a right to appeal to the Information Commissioner at:

*The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
(Telephone: 0303 123 1113 / Website: www.ico.gov.uk)*

There is no charge for making an appeal.

Yours sincerely,

Amanda Kimber
Freedom of Information Officer