

U Winfield

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Our ref: 11674

Information Governance
Stella House, Goldcrest Way
Newburn Riverside
Newcastle Upon Tyne
NE15 8NY

Tel: 0191 2035352
Email: nhsbsa.foirequests@nhs.net
Website: www.nhsbsa.nhs.uk

Date: 7 April 2021

Dear U Winfield,

Freedom of information request

I am writing to advise you that I have decided not to disclose the information you requested on 7 February 2021. You requested the following:

- 1. Any application you made in 2019 or 2020 to be a "Stonewall Diversity Champion" or to be included on Stonewall's "Workplace Equality Index," including any attachments or appendices to those applications. Please redact personal details if necessary.*
- 2. Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme.*
- 3. Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).*
- 4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).*
- 5. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services.*
- 6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.'*

On 8 March 2021 you clarified your request as follows:

'You are hinting that there has been a lot of communication with Stonewall.

Q1: Can you please send me the original application form(s) for 2019 and/or 2020 for the Stonewall Diversity Champion or the Workplace Equality Index? These may be long document(s)! If you cannot, then can you please just tell me whether you made an application for one or either or both scheme(s) and what year(s), please?

Q2 and Q3: Again, the feedback may be extensive. Can you please say in broad terms what the feedback is about?

You seem to have "condensed" Q2, Q3 and Q4 in my original FoI request. You have not copied Q2, Q3 and Q4 correctly from my request. Q3 is missing in your copy.

Q4: Did you carry out an Equality Impact Assessment for the application(s)?

Q6: I am interested in the two Stonewall schemes mentioned in Q1, please.'

The information you requested is being withheld as it falls under the exemption in section 14(1) the Freedom of Information Act.

Section 1(1) does not oblige a public authority to comply with a request for information if the request is Vexatious.

The reasons we are refusing to comply with your request are several, and are listed below;

1. During the course of handling of this request it has come to light that responses to FOI requests made by the campaign are being posted on social media with the sole intention of criticising any organisation which submits applications to Stonewall.
2. The request has been made as part of a wider campaign against Stonewall with the intention of discrediting and undermining them as a charitable organisation, whose role is to support people in the LGBT community and to help organisations promote and encourage diversity in the workplace.
3. The request could be characterised as a "fishing trip" as for the most part, the request doesn't describe the information it seeks to obtain. Rather it is formed in the broadest terms to determine what information may have been shared between the NHSBSA and Stonewall.
4. The request is not made in the spirit of FOI, which is enacted to promote and require transparency in relation to spending of public funds and in effective conduct of public services. The spirit of this request is to further a campaign against Stonewall and its partners/clients.
5. The value/purpose of the information is of little to no interest to the wider public, and the focus of the request is not on the information itself, given that the broad nature of the request demonstrates that you do not know what information you expect or, indeed, wish to receive.

For the reasons set out above, we consider this request to be unjustified and an improper use of formal procedure¹ namely using FOIA as a means to damage Stonewall, rather than its intended purpose as an information access regime which promotes transparency in the public sector in the public interest.

We would also value your feedback regarding the way in which your request was handled. You can provide us with direct feedback on our website at the following web link:

<https://bit.ly/2MLi0N>

¹ [Lee v the Information Commissioner](#) paragraph 69.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of my decision, please write within 6 months of the date of this letter to:

Chris Gooday
Information Governance Manager
NHS Business Services Authority
Stella House
Goldcrest Way
Newburn Riverside Business Park
Newcastle upon Tyne
NE15 8NY

Details of how we will handle your review request are available on our website at:

<https://bit.ly/2Sjdk2H>

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally, the ICO cannot make a decision unless you have exhausted the NHS Business Services Authority's complaints procedure.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745
Fax: 01625 524 510
Email: enquiries@ico.gsi.gov.uk

If you have any queries about this letter, please contact me. Please quote the reference number above in any future.

Yours sincerely



Chris Dunn
Information Governance Specialist