

6th July 2021

Our ref: NIC-473058-K9X3H

(Sent via email)

Dear Sir/Madam

Re: Information Request – Freedom of Information Act 2000

Thank you for your email dated 10th June 2021 requesting the following:

“The proposed date for opting out of the General Practice Data for Planning and Research (AKA GPDPR) has reportedly been put back, however questions remain over how this will be used, by whom and on what basis the data will be provided.

Please provide me with:

- Any correspondence sent to NHS Digital in regards to GPDPR
- Any correspondence sent from NHS Digital in regards to GPDPR
- Any internal correspondence on the subject of GPDPR.”

Section 12 of FOIA

NHS Digital has estimated that the cost of meeting your request would exceed the appropriate limit and therefore we are not required to comply with the requests under Section 12 of the Freedom of Information Act 2000 (FOIA).

Section 12 of FOIA recognises that a public authority is not obliged to comply with a request for information if compliance would exceed the appropriate limit set by the Freedom of Information and Data Protection (Appropriate Limit and Fees Charges) Regulations 2004 (the Fees Regulations). This is £450, which equates to 18 hours of staff time at the prescribed £25 per hour in relation to the following activities:

- (a) determining whether we hold the information,
- (b) locating the information, or a document which may contain the information,
- (c) retrieving the information, or a document which may contain the information, and
- (d) extracting the information from a document containing it.

We have calculated that the time it would take to provide all the information you have requested would take us more than 18 hours of staff time. This is due to the number of staff members involved, and the nature of the searches that would need to be carried out to identify potential information covered by your request. This estimate is based on sample exercises to locate information.

We undertook this task based on one mailbox, containing the subject(s) GPDfPR, GPDfSU, GP Data for Planning and Research, GP Data for Secondary Uses, GP Data. This returned in excess of

30,000 emails received and in excess of 35,000 sent. Reviewing a sample of these emails to understand/determine content and relevance to this request and to find the latest complete thread took 30 minutes for one subject thread which focussed on communication to one contact in one CCG. This same contact had engaged in 112 emails (inbox) over a two-year period (but spanned 5 different subjects with around 73 emails being in archive). To search for, extract and review the remaining mailboxes would take us a significant amount of time. We estimate that to comply with this question, we would need to search the mailboxes of 8 Executives, 15 core programme team members and a number of additional staff across multiple directorates, therefore taking us above the 18-hour limit.

The work on this Programme has been carried out over the past 5 years during which time there has been engagement with a large number of organisations, covering multiple topics.

Although NHS Digital aims to be transparent and accountable to the public, we must balance this against the large amount of staff time that would be used in responding to such large requests and the diversion of staff time and resources away from carrying out NHS Digital's core functions. In this case, complying with your request would also involve time and resource of a number of members of staff who are working on the Programme.

Advice and Assistance

Under Section 16 of the FOIA, NHS Digital has a duty to provide advice and assistance to anyone making a request for information. You may wish to refine the scope of your request to try and bring it within the 18-hour limit

If you can be more specific about the time frames, or the specific topics of interest, then we can re-consider your request. However, you should be aware that some information that could be covered by any refined request for copies of information may be exempt from disclosure e.g. on grounds of confidentiality, or on the grounds that this would be prejudicial to the effective conduct of public affairs.

Disclosure Log

In line with the Information Commissioner's guidance on the disclosure of information under the FOIA, your request will form part of our disclosure log. Therefore, our response will be posted on the NHS Digital website.

I trust you are satisfied with our response to your request for information. However, if you are not satisfied, you may request a review from a suitably qualified member of staff not involved in the initial query, via the enquiries@nhsdigital.nhs.uk email address or by post at the above postal address.

If following an internal review, you remain unsatisfied with the way in which we have handled your request you are entitled to ask the Information Commissioner to assess whether we have complied with our obligations under FOIA by writing to them at the following address:

Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
Cheshire SK9 5AF
Email: casework@ico.org.uk

NHS Digital values customer feedback and would appreciate a moment of your time to respond to our Freedom of Information (FOI) Survey to let us know about your experience. Please access the survey through this link [here](#)

Yours faithfully,

Higher Information Governance Specialist