

NHS
Bexley
Clinical Commissioning Group

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Telephone: 020 8298 6000

Abi Newell
Email: request.464539-b17858b1@whatdotheyknow.com

Our ref: CCG/CCGFOI/01401/2018
14th March 2018

Dear Abi Newell

Freedom of Information Request CCGFOI/01401

Thank you for your Freedom of Information request dated, received on 13/02/2018 regarding the email addresses of practice managers within Bexley.

Answers to your request are provided in blue type in the attached document.

I hope this answers your questions but if you need any further assistance please do not hesitate to contact me.

If you have concerns on how your request for information has been handled please write to:

Director of Governance, Quality and Performance
NHS Bexley Clinical Commissioning Group
Civic Offices
2 Watling Street
Bexleyheath
Kent DA6 7AT
Email: bexccg.foi@nhs.net

If you remain dissatisfied, you have the right under Section 50 of the FOI Act to apply to the Information Commissioner to seek resolution of the matter. Further details can be found on their website: <http://www.icogov.uk/>

This information is provided in accordance with our statutory obligations under the Freedom of Information Act. Please note that under the Privacy and Electronic



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Provision of this information does not constitute permission for its commercial re-use in the terms of the Re-Use of Public Information Regulations 2005.

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Yours sincerely

**Freedom of Information
Publication Scheme Co-ordinator**



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NHS Bexley CCG FOI Ref No CCGFOI/01401

Request	Response
<p>Under the FOI act, could you kindly please provide me with a current list of the email addresses of all Practice Managers within your CCG and the relevant GP surgeries they manage.</p> <p>I will not be publishing the information you provide to me and will only use it to send information about a medical service that may be of interest to Practice managers</p>	<p>Please see response below</p>
<p>Thank you for your enquiry requesting information under the Freedom of Information Act 2000 (FOIA) sent to NHS Bexley Clinical Commissioning Group (CCG) as set out in your email below.</p> <p>Please find below our response to your request:</p> <p>We confirm that NHS Bexley CCG holds the information you request but we will not release this information for the following reasons:</p> <p>Section 21(1)</p> <p>Section 21(1) of the FOIA states that a public authority does not need to provide information if that information is reasonably accessible to the applicant by other means. Please see the following link to the NHS Choices website which directs you to details of GP practices within London Borough of Bexley. You will see that some practices have chosen to disclose details of their practice manager:</p> <p>https://www.nhs.uk/Services/Trusts/GPs/DefaultView.aspx?id=89618</p> <p>Please also note that NHS Choices gives details of the individual websites of the GP practices which again may disclose details of their practice manager.</p>	

Where NHS Choices does not list practice manager details we apply the following exemptions:

A. Practice manager contact names

Section 40(2)

Under section 40(2) of the FOIA there is an exemption from the right to know if disclosure would breach any of the data protection principles as set out in the Data Protection Act 1998. The relevant data protection principle in this situation is the first data protection principle which states the following:

1. Personal data must be processed fairly and lawfully. Relevant considerations for fairness include the following:
 - Possible consequences of disclosure. Names will be released that practices may not themselves have chosen to release on NHS Choices or on their own websites. The staff in question are not employees of the CCG and have not given their consent to releasing their details.
 - Reasonable expectations of data subjects and circumstances of its obtaining. The practice managers would not expect us to release their information when they themselves have not done so.
 - Whether the information is, or has been, in the public domain. Lists of staff names are not normally released although individual practice manager names will be known by individual patients within a practice.
 - FOI principles of transparency and accountability would support disclosure
 - Any legitimate interests in the public having access to the information. Individuals may have legitimate interests for example for wanting to distribute information to practice managers.

Overall we consider it would be unfair to release the information.

2. For information to be disclosed at least one of the 'data protection conditions' in schedule two of the Data Protection Act 1998 must be met. The relevant condition in this situation is the sixth condition which states that processing is necessary for the purposes of legitimate interests of the data controller or person to whom the data are disclosed except where processing is unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of the data subject. This creates a three part test:

- Is there a legitimate public interest?
- Is disclosure necessary to meet it?
- Will disclosure cause unwarranted harm to the interests of the individuals?

The factors discussed above will be relevant here as well as consideration of whether practice managers are considered to be junior or senior members of a practice. Generally practice managers are considered to be junior members of the practice working under the direction of the GP partners.

We therefore consider that this information should not be released under section 40(2) of the FOIA.

B. Practice manager email addresses

Section 38(1)(a)

Section 38(1)(a) of the FOIA states that information is exempt information if its disclosure under the Act would, or would be likely to, endanger the physical or mental health of any individual.

You state that you will not release the information to anyone else but this cannot be guaranteed. Members of the public may obtain email addresses of practices who have not previously released their practice manager email addresses on NHS Choices or on their own websites. Patients or other members of the public may use the email address to ask for example for appointments and in doing so give clinical

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details. These practices may not have procedures in place to regularly check email addresses if the practice manager is on holiday or ill and so important clinical details will not be passed on to a doctor or nurse. Even if the emails are regularly monitored non clinical staff may miss the clinical significance of emails from patients. For these reasons we consider that for those practices who have not released this information on NHS Choices or on their practice websites, the public interest in withholding this information outweighs the public interest in releasing it.

Section 40(2)

Under section 40(2) of the FOIA there is an exemption from the right to know if disclosure would breach any of the data protection principles as set out in the Data Protection Act 1998. The relevant data protection principle in this situation is the first data protection principle which states the following:

3. Personal data must be processed fairly and lawfully. Relevant considerations for fairness include the following:

- Possible consequences of disclosure. As discussed above there may be adverse consequences if practice manager email addresses are obtained by patients.
- Reasonable expectations of data subjects and circumstances of its obtaining. The practice managers would not expect us to release their information when they themselves have not done so. The staff in question are not employees of the CCG and have not given their consent to releasing their details.
- Whether the information is, or has been, in the public domain. Practice manager email addresses will be in the public domain when practice managers use their email addresses. However individual practice managers may choose not to release their email addresses to for example patients.
- FOI principles of transparency and accountability would support disclosure

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- Any legitimate interests in the public having access to the information. Individuals may have legitimate interests for example for wanting to distribute information to practice managers.

Overall we consider it would be unfair to release the information.

4. For information to be disclosed at least one of the 'data protection conditions' in schedule two of the Data Protection Act 1998 must be met. The relevant condition in this situation is the sixth condition which states that processing is necessary for the purposes of legitimate interests of the data controller or person to whom the data are disclosed except where processing is unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of the data subject. This creates a three part test:

- Is there a legitimate public interest?
- Is disclosure necessary to meet it?
- Will disclosure cause unwarranted harm to the interests of the individuals?

The factors discussed above will be relevant here as well as consideration of whether practice managers are considered to be junior or senior members of a practice. Generally practice managers are considered to be junior members of the practice working under the direction of the GP partners.

We therefore consider that this information should not be released under section 40(2) of the FOIA.