

Dear Ms Newell

Reference: FOI.17.WAN204

22 February 2018

**RE: Freedom of Information Request**

Thank you for your request under the *Freedom of Information Act 2000* (the Act). This response is provided on behalf of NHS Wandsworth Clinical Commissioning Group (CCG). Your request along with the CCG's response is detailed below.

**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.**

I can confirm that NHS Wandsworth CCGs do hold this information, however the CCG considers the information exempt under sections 21 (Reasonably accessible), 40 (Personal information) and 38 (Health and safety).

Section 21: Information reasonably accessible to the applicant by other means

GP practice name, address, telephone number, email address and fax number (where available) is publicly available. Therefore, the CCGs consider that this information is exempt from disclosure under the Freedom of Information Act 2000, Section 21 (Reasonably Accessible), which provides an exemption from the duty to disclose information, which is accessible to the applicant by other means. The information can be accessed via the following link:

<https://www.nhs.uk/Services/Trusts/GPs/DefaultView.aspx?id=89591>

Section 40(2): Personal information

Some of the information you have requested is personal information, namely the direct staff email addresses.

Section 40(2) provides an exemption to the disclosure of information where it is:

- the personal data of someone other than you; and
- the disclosure of that personal data would put us in breach of the principles of the Data Protection Act 1998 ("DPA"), with which we are obliged to comply.

The personal data within the withheld information is not public and disclosure of this information to the world at large would be unwarranted, does not add to the substantive understanding of the information disclosed, would cause substantial damage and distress to those data subjects involved, and thus would be unfair and in breach of the first DPA principle and, as such, is exempt from disclosure under section 40(2) of the Act.

## Section 38(1): Health and safety

The CCG does hold non personal email addresses to GP practices. These email addresses are used to communicate clinical information about patients or safeguarding issues.

Section 38(1)(a) of the FOIA states:

Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the physical or mental health of any individual.

Disclosure under the Act is 'to the world'. This means that information disclosed is considered to be in the public domain and access should be granted fairly and equally to all who request it. If the information was disclosed members of the public, including patients, may then obtain email addresses of practices who have not previously released this information. The CCGs consider that there is a possibility that patients would use this email address to try to communicate their health concerns instead of calling or booking an appointment or other individuals or organisations may use this new channel for purposes for which it was not intended, e.g. marketing or enquiries. Since the email addresses have been set up for specific purposes (clinical and safeguarding information), the practices are not prepared for the use of these email addresses as a generic contact point and there is therefore a risk that important clinical or safeguarding information may be missed and patients suffering harm as a result.

This exemption is qualified and therefore the CCG has gone on to consider the public interest test.

Factors supporting disclosure:

1. Disclosure of this information would provide the public, including patients, an additional way of communicating with GP practice staff. This would particularly benefit individuals who for various reasons would prefer to communicate via email or have difficulty communicating in person, via telephone or by post.
2. Some practices already provide an email address for communication via NHS Choices and disclosure of an email address for each practice would provide a consistent approach for all patients registered with GP Practices in the Barking & Dagenham, Havering and Redbridge areas.

Factors supporting non-disclosure:

1. The requested information is not currently publically available. Therefore, the practices may not have procedures in place to monitor, deal with and pass on information sent to these email addresses from patients or others.
2. There is a risk that important clinical or safeguarding information would be missed if the email accounts became generic contact points and therefore received a higher volume of emails. There is also a risk of miscommunication if an email address which had been limited to a few professionals and specific purposes became wider known.
3. There are already established ways for patients and members of the public to communicate with the practice and its staff. These routes are well established and are therefore subject to internal procedures which allows the practice to manage information. Because there are already several different communication routes, there is a reduced need for an additional one.

## Conclusion

The CCG has weighed the arguments and considers that the public interest in maintaining the exemption outweighs the public interest in releasing the information. The CCG believes that there is a risk that patients may suffer harm due to miscommunication with their GP practice. The CCG therefore considers the information exempt.

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- Make a request in writing to the address below
- State the name of the applicant and an address for correspondence
- Specify the document to be re-used
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### Email

[NELCSU.foi@nhs.net](mailto:NELCSU.foi@nhs.net)

### Postal Address

NEL CSU  
1 Lower Marsh  
Waterloo  
London  
SE1 7NT

### Website Address

[www.nelcsu.nhs.uk](http://www.nelcsu.nhs.uk)

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<http://nationalarchives.gov.uk/documents/information-management/oql-user-guidance.pdf>

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## Privacy Notice (formerly known as Fair Processing Notice)

We will record your contact and request details in order to monitor and improve the service we provide and in order to discharge our statutory obligations under the Act. This information will be handled in accordance with the *NHS Confidentiality Code of Practice* and the *Data Protection Act 1998*.

## Using Personal Data We Provide

You are required not to use personal data which is provided to you for electronic marketing (telesales, fax, e-mail) to our staff and comply with the *Privacy and Electronic Communications (EC Directive) Regulations 2003*. Provision of such personal data in response to a Freedom of Information or Environmental Information request does not constitute consent from the individual concerned.

The *Data Protection Act* gives individuals rights to prevent processing likely to cause substantial unwarranted damage or unwarranted distress (section 10) and to prevent processing for the purposes of direct marketing (section 11). You should be aware that selling, giving or sharing of personal data could breach the *Data Protection Act*. NEL CSU on behalf of Clinical Commissioning Groups advises staff of their rights.

## Review Procedure

If you feel that we have not met the requirements of the *Freedom of Information Act 2000*, you should contact the FOI Team at [NELCSU.foi@nhs.net](mailto:NELCSU.foi@nhs.net)

If you remain dissatisfied, you can ask us to review our decision by making a written request for an internal review. In order to assist with the review, you should include your address, a description of the original request and the reasons why you are dissatisfied. Please send this to:

### Email

[NELCSU.foi@nhs.net](mailto:NELCSU.foi@nhs.net)

### Postal Address

NEL CSU  
1 Lower Marsh  
Waterloo  
London  
SE1 7NT

### Website Address

[www.nelcsu.nhs.uk](http://www.nelcsu.nhs.uk)

The review will be handled by more senior staff who were not involved in the original decision. Although this will not apply to Section 36 claimed exemptions in accordance with Department of Health Directive, your request will still be reviewed. We aim to complete all internal reviews within 20 working days. If you then wish to appeal you should contact the Information Commissioner for an independent review at the following address:

### Telephone

01625 545745

### Postal Address

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

### Website Address

[www.ico.gov.uk](http://www.ico.gov.uk)

## Feedback

Your feedback is welcome to help us improve the service we provide. Please send comments or suggestions to our address.

Yours sincerely

## Freedom of Information Team

NEL CSU