



**North West London**  
**Collaboration of**  
**Clinical Commissioning Groups**

15 Marylebone Road | London | NW1 5JD

[nwlccgs.ccg.foi@nhs.net](mailto:nwlccgs.ccg.foi@nhs.net)

9 March 2018

Dear Ms Newell,

**Freedom of Information request**  
**Harrow CCG (Ref: CCG/9525)**

I am writing further to your Freedom of Information request made to Harrow CCG.

**You requested the following:**

*Dear NHS Harrow Clinical Commissioning Group,*

*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 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.*

**Our response to your request is:**

I can confirm under Section 1 (1) (a) of the Freedom of Information Act (FOIA) that the CCG holds the information requested.

A list of GP Practices that are a member of Harrow CCG can be found on NHS Choices –

<http://www.nhs.uk/ServiceDirectories/Pages/CCGListing.aspx>.

The website publishes details of each GP Practice and links to individual websites where the Practice has included it. Therefore, the CCG considers that the information requested, where held, is exempt under the following FOIA exemptions:

**Exemption 21 (1) - information is accessible by other means**

*“Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information “*



The North West London Collaboration of Clinical Commissioning Groups is a partnership of eight Clinical Commissioning Groups working to transform the quality of health and social care across North West London. The collaboration includes Brent, Central London, Ealing, Hammersmith and Fulham, Harrow, Hillingdon, Hounslow, and West London Clinical Commissioning Groups.

It is essential that the CCG can communicate with its member practices and each practice provides a single point of contact, usually the practice manager. However, our list may contain other contact details such as temporary or interim staff contacts in order to keep this essential link. Before the CCG could release any list it would need to ensure that:

- i) the contact provided is the correct and current practice manager; and
- ii) the individual has given consent to the CCG passing on the information to third parties.

The CCG must ensure it does not contravene any of the data protection principles as set out in the Data Protection Act 1998 (DPA).

GP Practices are required to be a member of a CCG but are separate private commissioned organisations. The CCG is an organisation that leads the commissioning of health services for its local population.

The GP Practice is the primary source for its own information and your request should be sent to it to provide you up to date information.

Where the GP Practice has not provided a practice manager's contact details on NHS Choices the CCG considers the following exemptions would apply to disclosing the information.

**Exemption 40 (1) (b) - confidential information.**

*"Information is exempt information if –*

- (b) the disclosure of the information to the public (otherwise under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person. "*

The information is provided to the CCG in confidence that these contact details are not used for commercial purposes or passed on to third parties. A GP Practice is managed independently and is responsible for its own practice contact details.

**Exemption 40 (2) - personal information**

*"Any information to which a request for information relates is also exempt information if –*

- (a) It constitutes personal data which do not fall within subsection (1), and*
- (b) Either the first or the second condition below is satisfied."*

*Section 40 (3) (i) of the FOI Act –*

*"The first condition is –*

- (a) In a case where information falls within any of paragraphs (a) to (d) of the definition of data in section 1 (1) of the Data Protection Act 1998 (DPA), that the disclosure of the information to a member of the public otherwise than under this Act would contravene –*
  - i. Any of the data protection principles, or*
  - ii. Section 10 of that Act (right to prevent processing likely to cause damage or distress)."*

*Section 1 of the Data Protection Act defines personal data as information which relates to a living individual who can be identified from that data.*

*The first data protection principle, “personal data to be processed fairly and lawfully”, would apply.*

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- a) At least one of the conditions in Schedule 2 of the DPA is met, and*
- b) In the case of sensitive personal data, at least one of the conditions in Schedule 3 is met.*

*Schedule 2 of the DPA sets out six conditions where one should be met before disclosure of the requested information. For purposes of this request conditions 1 and 6 would apply.*

- 1) The data subject has given his consent to the processing.*

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- 6) The processing is necessary for the purpose of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.*

The CCG does not have the consent of the individuals to disclose the information. The practice managers are not employees of the CCG which would need the permission to pass the information on to a third party.

The CCG considers that releasing the information would be unfair. Possible consequences could be if email addresses are obtained by patients. Practices will have their own processes for how patients should correspond with it. It would be unacceptable for staff to be contacted directly about clinical matters or complaints where formal NHS procedures must be adhered to. The practice must be allowed to set its own processes and procedures such as contact information.

Though the FOI principles champion transparency and accountability and therefore, the release of practice managers' contact details, the CCG must weigh this against the necessity of practice staff to be able to conduct essential business and to ensure that practices can operate efficiently within the NHS. The CCG has decided that it is not fair to provide such information and is exempting the information for the reasons set out in this response.

If you are dissatisfied with the response you have received you can write outlining your complaint by emailing [nwlccgs.ccg.foi@nhs.net](mailto:nwlccgs.ccg.foi@nhs.net) and the CCG will carry out a review of the response. This is known as an Internal Review. If you remain

dissatisfied you can appeal to the Information Commissioner by writing to: *The Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.*

Further information about the Freedom of Information Act and the Data Protection Act is available through the Information Commissioner's Office:

<http://www.ico.org.uk>.

Freedom of Information Act –

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>.

Data Protection Act - <https://ico.org.uk/for-organisations/guide-to-data-protection/>.

Yours sincerely,

**Freedom of Information Team**