

FREEDOM OF INFORMATION ACT POLICY CORP 52

ICO Version:	3.0.0
Name & date of Approval Committee:	Quality Assurance Committee 10 th February 2016
Name and & date of Ratification Committee:	Quality Assurance Committee 10th February 2016
Name of Reviewer:	Laura McCoy Information Governance Manager
Date Published:	February 2016
Next Review date:	February 2019
Document Replaces / incorporates:	ICO V 2.0.0 Freedom of Information Act Policy
Applies to :	This policy applies to all employees of the Trust and volunteers. It provides a framework for the Trust to ensure compliance with this Act

This document is available in Braille, large text and electronic format on request.

1.	INTRODUCTION	5
2.	PURPOSE.....	5
3.	SCOPE.....	5
4.	DUTIES	5
4.1.	Chief Executive.....	5
4.2.	Chief Operating Officer	6
4.3.	Deputy Director of Performance and Contracts	6
4.4.	Head of Information	6
4.5.	Information Governance Manager	6
4.6.	All Staff	6
5.	DEFINITIONS.....	6
6.	PUBLICATION SCHEME	7
7.	RIGHT OF ACCESS (FREEDOM OF INFORMATION REQUESTS) ...	8
7.1.	A Valid Request.....	8
7.2.	Recorded Corporate Information	9
7.3.	Obtaining information	9
7.4.	Personal Information	10
7.5.	Response	10
8.	EXEMPTIONS TO DISCLOSURE	11
8.1.	Public Interest Test.....	12
8.2.	Vexatious or repeated requests.....	12
8.3.	Response Letter	13
8.4.	Internal Review	13
8.5.	External Appeal	14
9.	RE-USE OF INFORMATION	14
10.	ADVICE AND ASSISTANCE	14
11.	PUBLIC SECTOR CONTRACTS	15
12.	RECORDS MANAGEMENT.....	15
13.	TRAINING	15
14.	CONSULTATION	15
15.	EQUALITY ANALYSIS ASSESSMENT	15
16.	DISSEMINATION AND IMPLEMENTATION.....	16
17.	MONITORING COMPLIANCE WITH THIS DOCUMENT	16
18.	REFERENCES	16

19.	ASSOCIATED DOCUMENTS	17
20.	APPENDICES	17
20.1.	Appendix 1 - Exemptions available under Part II of the Freedom of Information Act 2000	18

Version Control Summary

Version	Date	Author	Status	Comment
2.0.0	August 2014	L McCoy	Final	Intranet Copy
3.0.0	February 2016	I Garratt	Final	Intranet Copy

Revision History

Revision date	Reviser	Revisions Made
18/07/2014	L McCoy	Changes to job title of Deputy Director of Strategy, Commerce and Communications.
23/12/2015	I Garratt	Restructure of policy. Minor amendments to content
11/01/2016	I Garratt	Inclusion of media enquiries. Structural changes

1. INTRODUCTION

The Freedom of Information Act 2000 (FOI, the “Act”) is part of the Government’s commitment to greater openness in the public sector. It enables members of the public to scrutinise the decisions of public authorities more closely and ensure that services are delivered properly and efficiently.

The main features of the Act are:

- A duty on every public authority to adopt and maintain a Publication Scheme.
- A general right of access to all recorded information held by a public authority, subject to exemptions set out in the Act. An applicant has the right to ask *do you have it?* and *can I see it?*
- The creation of the Information Commissioner’s Office to oversee the implementation and compliance with this Act and the Data Protection Act 1998.

2. PURPOSE

The Trust is committed to greater openness; balancing this right against protecting the interests of the Trust, individuals and commercial partners, where disclosure of information could harm those interests.

This policy outlines how the Trust is compliant with the Freedom of Information Act. It details:

- What is a Freedom of Information request
- What staff need to do in the event of receiving a request
- When information may be disclosed and how exemptions to disclosure are applied
- What information is routinely available through the publication scheme

3. SCOPE

This policy applies to all employees of the Trust and volunteers. It provides a framework for the Trust to ensure compliance with the Act

4. DUTIES

4.1. Chief Executive

The CEO is the Accountable Officer for the Trust. Their duties are set out in the NHS Accountable Officer Memorandum and include responsibility for systems of internal control and Governance Framework.

The Trusts Chief Executive is also the “Qualified Person” as defined in Section 36 a) – n) of the Act and has ultimate responsibility for compliance with the Freedom of

Information Act. The CEO delegates strategic responsibility for this policy to the Senior Information Risk Officer (SIRO)

4.2. Chief Operating Officer

The Chief Operating Officer is also the Senior Information Risk Owner (SIRO). They are the Executive Director with strategic responsibility for compliance with the Freedom of Information Act.

4.3. Deputy Director of Performance and Contracts

The SIRO delegates operational responsibility to the Deputy Director of Performance and Contracts who also has line management responsibility for the Head of Information.

4.4. Head of Information

The Head of Information is the senior manager with responsibility for implementing and management of the Freedom of Information function within the Trust on a day to day basis.

4.5. Information Governance Manager

The IG Manager has day-to-day responsibility for the Act, including:

- Maintaining an up-to-date publication scheme
- Coordinating responses to Freedom of Information requests
- Application of exemptions
- Escalation of associated risks and issues

The IG Manager is part of the Freedom of Information team

4.6. All Staff

All employees of the Trust are obliged to adhere to this policy and the Act. This includes:

- Any request received must be forwarded to the Freedom of Information at the earliest opportunity
- Providing assistance to the FOI team in obtaining information in response to a request
- Maintaining adequate records management systems

5. DEFINITIONS

Exemption – An exemption to disclosure is the reasoning for the withholding of information requested under the Freedom of Information Act.

Open Government Licence - The Open Government Licence permits anyone to copy, publish, distribute, transmit and adapt the licensed work, and to exploit it both

commercially and non-commercially. In return, the re-user of the licensed work has to acknowledge the source of the work and (if possible) provide a link to the OGL

Publication Scheme - The legally required mechanism for making information held by Public Authorities routinely and proactively available

Redacted Information - Information which has been deleted or blanked out from a document because it is legitimately exempt from release.

6. PUBLICATION SCHEME

The Freedom of Information Act requires every public authority to publish information, in accordance with the Information Commissioner's Office model publication scheme.

The model publication scheme defines the required classes of information to be made available. It also specifies how the information should be presented, what can be charged, and what members of the public need to know about the scheme.

The publication scheme needs to be dynamic; it must be routinely updated and maintained. This means that the authority must:

- Review what information is being published;
- Make newly created information that falls within the scope of the scheme available promptly; and
- Replace or update information that has been superseded.

The specific information classes that must be included in the publication scheme are:

- Who we are and what we do
Organisational information, locations and contacts, constitutional and legal governance.
- What we spend and how we spend it
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- What our priorities are and how we are doing
Strategy and performance information, plans, assessments, inspections and reviews.
- How we make decisions
Policy proposals and decisions. Decision making processes, consultations, internal criteria and procedures
- Our policies and procedures.
Current written protocols for delivering the functions and responsibilities.
- Lists and Registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

- The Services we Offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

- A schedule of fees

A list of the charges for accessing information

The publication scheme information is available from the Trust website; this ensures the contents are up-to-date. A hard copy of the information is made available upon request to the Information Governance Manager.

7. RIGHT OF ACCESS (FREEDOM OF INFORMATION REQUESTS)

A core element of the Act is the general right to access. Under the Act, the general public have a right to know:

- What information is held
- To see that information

The Act specifies the procedure for requesting information and these must be responded to, including the application of exemptions to disclosure.

The Act only covers information that is held. There is no obligation to create new information.

7.1. A Valid Request

A valid request must be in writing, with a return correspondence address. This can be a letter, email or a fax. Requests made in person or verbally should be notified that it must be in one of the formats specified above.

A valid request does not need to state that it is a Freedom of Information request but if the information asked for is corporate information (see 7.2) and outside of the duties of normal course of business it will be a Freedom of Information request. It is therefore important that staff understand the Act in order to identify a request.

If a valid request is received by any member of staff this must be sent to the Freedom of Information team at the earliest opportunity and by no later than two working days

7.1.1. Requests from the Media

Freedom of Information is typically used by the press to research stories and gather information. Such requests are treated in the same manner as requests from other sources.

A request will be treated as a media enquiry instead of a FOI request in the following circumstance:

The request is:

- For a comment in relation to an incident or events involving the Trust
- For comment following submission/publication of a paper(s) to a professional journal
- For a condition check on a patient

Where time permits, the Marketing and Communications department will review FOI responses to the media prior to publishing the response in order to provide any additional comment or prepare a press statement if necessary.

7.2. Recorded Corporate Information

The Act applies to information that is recorded. In practical terms this means a request for information can be for:

- Printed documents
- Computer files
- Letters
- Emails
- Photographs
- Video and / or sound recordings

Trust email accounts are corporate information therefore all information on email may be disclosed, subject to exemptions under the Act.

Business related emails undertaken on personal email accounts are also subject to the Act and staff will be required to provide personal emails to the Trust in the event of a request; however staff are reminded that all business activity should be on the Trust approved NHSmail and not personal email accounts.

7.3. Obtaining information

Once the request is logged and any clarifications have been sought, the request handler from the FOI team will contact the local department which holds the information.

The local department is required to:

- Obtain and return the information
- Provide any comments or caveats that put the information into context
- Make representation if they feel the information should be withheld

Departments are typically given 5 working days to respond to the internal request. This can be extended if required however it allows time for collation of information from various sources, consideration of exemptions, preparation of responses and senior management approval if required.

7.4. Personal Information

The Act acknowledges that some personal information will be exempt from disclosure whereas other information may be disclosed. In general terms, more senior staff have a lower expectation of privacy due to their job role and being in a responsible position in the public sector.

The Trust policy is that information that relates to the public functions of a member of staff can be released under the Act. This may include:

- Name
- Job title and role
- Pay band
- Responsibilities
- Work contact information
- Expenses

The Trust organisation structure – *Who's who* – is a proxy for the senior staff whose information will be disclosed.

The Act does not allow the disclosure of the applicants own personal information; such requests are dealt with under the Data Protection Act 1998 or Access to Health Records Act 1990.

7.5. Response

Under the Act all requests for information must be complied with promptly and in any event not later than the twentieth working day. The 20 working day deadline applies to information released as well as refusal notices and fees notices.

If clarification is requested from the applicant, the response days is suspended until such a time the applicant has provided sufficient details to allow the request to proceed.

An extension to the timeframe can be applied if the Trust is considering the public interest in disclosure related to an exemption (see 8)

7.5.1. Duty to Confirm or Deny

The Act imposes a general duty to confirm or deny to the applicant whether information is held irrespective in most cases of whether the information which has been requested is to be disclosed.

7.5.2. Fees

There is no general charge to the right to access information; however a fee may be required in two circumstances

- **Disbursement costs** – These are costs directly incurred communicating the information to the applicant, for example photocopying and postage. The fee must be reflective of the cost.
- **Appropriate limit** – The Act specifies that a public authority must comply with a request if it falls within the appropriate limit – for the NHS this is equal to 18 hours of work. If providing information in relation to a request will take in excess of this limit, the Trust may refuse the request or charge for the time taken. In order to charge, a *fees notice* is issued. This informs the applicant of the expected cost of compliance and whether they wish to proceed. The current cost of compliance is calculated at a rate of £25 per hour for:
 - Determining whether the information is held
 - Locating the information, or a document which may contain the information
 - Retrieving the information, or a document which may contain the information
 - Extracting the information from a document containing it

The Trust may aggregate the cost of compliance of multiple requests if the requestor or requestors are acting in concert or in pursuance of a campaign.

A fees notice must be issued within the response timeframe and if not agreed by the applicant within three months, the Trust is not required to proceed with the request.

8. EXEMPTIONS TO DISCLOSURE

The Act is designed to create a culture of openness, accountability and accessibility; to allow individuals to access information held within public authorities. However this entitlement to information is not unlimited.

The Act recognises there are valid purposes for some information to be withheld; these are referred to as exemptions. Exemptions are in two categories – absolute exemptions or qualified exemptions.

Absolute exemptions mean the information can be withheld without considering the public interest in disclosure, for example the disclosure would constitute contempt of court.

The majority of exemptions are qualified. This means that an exemption may be able to be applied however before it can, there must be consideration of the public interest. Information may only be withheld under a qualified exemption if the public interest in maintaining the exemption outweighs the public interest in disclosure.

Whenever information is withheld, the Trust must explain to the applicant what exemption is being applied.

The application of exemptions is the responsibility of the Information Governance Manager; departments can make representation and this will be considered however the final decision is with the Information Governance Manager or the SIRO.

The full list of exemptions are listed in Appendix 1

8.1. Public Interest Test

The public interest must be considered in every case where a qualified exemption applies. The Information Commissioner states that “In effect something in the public interest is something which serves the interests of the public. When applying the test, the public authority is simply deciding whether in any particular case it serves the interests of the public better to withhold or to disclose information.” The public interest will vary with each request and the exemption being considered. It may often include ensuring honesty, accountability, transparent decision making and the absence of bias.

The Trust will consider the public interest on a case-by-case basis. It will seek advice from relevant professionals as necessary; this may include from colleagues, other public authorities and legal advice. The public interest does not include protecting an authority or individual from embarrassment.

It is a criminal offence to alter, block, destroy or conceal information with the intention to prevent disclosure.

8.2. Vexatious or repeated requests

There may be circumstances in which a requestor is abusing the rights under the Act, undermining the intentions of the Act and causing undue disruption to the authority. Such requests are rare; these are referred to as vexatious.

The Trust can refuse a request if it is vexatious. When considering if a request is vexatious the Trust will assess the context and history of a request, the purpose, intended outcome and previous contact with the requestor.

Requests can also be refused if they are repeated; the requests must be identical or substantially similar. It is not appropriate to refuse a request which is only on a related topic. A request is also not repeated if a reasonable time period has elapsed between requests. The reasonable period is determined by how often the requested information changes, the purpose of the request and the public interest. In practical terms this is generally 60 days.

Within the Trust, the application of a refusal notice on the grounds of vexation or repeated requests must be agreed by the SIRO or their nominated deputy.

8.3. Response Letter

All requests are centrally processed by the FOI team. Information will be requested from local departments however the FOI team collate all information and prepare the final response letter.

The response letter shall contain:

- Reference number
- Details of what the request is for
- The information requested, or
- An explanation of why information is being withheld and under which section of the Act
- Contact details to request an internal review
- Details of the Information Commissioner's Office

8.4. Internal Review

Under the Act, the Trust provides the opportunity for applicants to ask for an internal review of the handling of their request if they are dissatisfied. This is the first stage in the Trust FOI complaints procedure. Requests for an internal review should be submitted within two months of the response date; outside of this timeframe the Trust is not obliged to accept the request.

On receipt of an internal review request, the Freedom of Information team will acknowledge the request and arrange a review meeting with the SIRO, or appointed deputy. Internal reviews should take place within 20 working days however it is appreciated that reviews may be complex and in order for a thorough and fair review to take place, it may be longer than this.

The SIRO, or appointed deputy, will review the request, response, any associated documents including the public interest test if applicable, guidance from the Information Commissioner's Office and any supporting notes supplied by the applicant. The SIRO acts as an independent reviewer to ensure a fair consideration of the request takes place. The SIRO can uphold the initial response, partially uphold the response, requiring minor corrective action or reject the initial response; this is likely to require the reversal of any exemptions applied and information disclosed in full.

Any lessons learnt as a result of the review will be implemented to improve the internal handling of requests and any future application of exemptions.

If the requestor remains dissatisfied after the internal review, they may contact the Information Commissioner's Office to appeal

FOI complaints must be dealt separately to the NHS Complaints Procedure. Complaints under FOI can only be in relation to the handling of the request, such as

the application of exemptions, or in relation to the publication scheme. Complaints stemming from the contents of information should be directed to the Patient Experience and Complaints team (previously known as PALS) if they are related to patient care or clinical practice and directed to Human Resources department if they relate to corporate or staffing issues.

8.5. External Appeal

The Trust must advise all applicants that they have a right of appeal to the Information Commissioner's Office if they are dissatisfied with the Trust's handling of their request and this has not been resolved by the internal review.

The Information Commissioner may overturn the Trust response and require that information is disclosed to the applicant in a decision notice. After a decision notice is issued, if applicable, the Trust has 35 days in order to comply. Failure to do so may be contempt of court with a monetary penalty.

The information Commissioner's Office decision can be appealed to the First Tier Tribunal (Information Rights) and then the Upper Tribunal (Administrative Appeals).

9. RE-USE OF INFORMATION

Information received under a Freedom of Information request will often be subject to re-use. This in most cases is acceptable and the Trust shall not unreasonably refuse reuse. In particular, and in accordance with the Act, information shall be provided to the applicant in the format requested (for example paper copies or electronic) and in such a way to allow reuse. For information in electronic format, the Trust is not required to provide in a particular file type, such as excel .xls, but it shall be machine readable. Unless otherwise stated, information is released under the Open Government Licence.

10. ADVICE AND ASSISTANCE

Section 16 of the Act requires the Trust to provide advice and assistance; this duty is led by the Information Governance Manager but is shared by all staff.

Advice and assistance may include:

- Informing the applicant how to make a request
- Directing the applicant to the Freedom of Information team
- Give guidance on how to access the information from the Trust under the Publication Scheme
- Clarifying the scope of a request in order to identify the information required
- Explain the basis for any charges or fees levied or exemptions applied
- Suggest other routes through which the applicant may wish to access information, including directing them to other public authorities
- Identify independent sources of help for applicants

- Direct applicants to the complaints procedure and/or the Information Commissioner's Office if they are dissatisfied with any outcome

11. PUBLIC SECTOR CONTRACTS

When entering into contracts, there is often an assumption that the information is confidential however this is not always the case. The Trust cannot 'contract out' its obligations under the Act. The Lord Chancellors Code of Practice states that "unless an exemption provided for under the Act is applicable in relation to any particular information; a public authority will be obliged to disclose that information in response to a request, regardless of the terms of any contract".

The Trust will liaise with contractors on requests related to services or goods they provide if subject to a request and any comments on disclosure will be considered. The final decision on what information to release is the responsibility of the Trust.

12. RECORDS MANAGEMENT

Good records management is the key to complying with this Act. The Trust has a Records Management Strategy for dealing with records management that is consistent with:

- Records Management: NHS Code of Practice
- The Lord Chancellor's Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000 (November 2002)

Good records management should allow the Trust to deal with requests in an efficient and accurate manner. Also, not knowing whether or not a record is held is not a valid reason for not complying with a request.

13. TRAINING

Freedom of Information training is included in the mandatory Information Governance training package and induction.

14. CONSULTATION

This Policy has been reviewed in consultation with the Information Governance Steering Group and persons with specific duties under this policy.

15. EQUALITY ANALYSIS ASSESSMENT

Southport and Ormskirk Hospital NHS Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the 'protected characteristics' of age, disability, gender, race, religion or belief, sexual orientation and transgender, pregnancy / maternity and marriage/civil partnership.

The Trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in its role as a major employer. The Trust believes that all people have the right to be treated with dignity and respect and is committed to, the elimination of unfair and unlawful discriminatory practices.

EQUALITY ANALYSIS ASESMENT	
Analysis Completed By	Ian Garratt
Date Completed	January 2016
Barriers Identified	Yes – but controlled
Action Plan Completed	Not applicable
Nominated lead for Managing Action Plan	Not applicable
Completed Assessments held by	Information Governance

16. DISSEMINATION AND IMPLEMENTATION

Members of staff are informed of the contents of this policy in annual mandatory Information Governance training and trust news items

17. MONITORING COMPLIANCE WITH THIS DOCUMENT

Systems	Monitoring and / or Audit				
Criteria	Measurables	Lead Officer	Frequency	Reporting to	Action Plan / Monitoring
Compliance with FOI requests as	Freedom of Information request KPIs	Information Governance Manager	Monthly	Information Governance Steering Group	Monitoring

18. REFERENCES

Freedom of Information Act 2000 (c.36) [Online] London, HMSO. Available from <http://www.legislation.gov.uk/asp/2002/13/contents>

Data Protection Act 1998 (c.29) [online] London, HMSO. Available from: <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (No. 3244) [Online] London, HMSO. Available from: <http://www.legislation.gov.uk/uksi/2004/3244/contents/made>

Department of Health (2009) Records Management: NHS Code of Practice (2nd Edition) [Online] London. Department of Health. Available from:

<https://www.gov.uk/government/publications/records-management-nhs-code-of-practice>

Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions under Part I of the Freedom of Information Act 2000, issued under section 45 of the Act (November 2002) [Online] Available from:

<http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/code-of-practice>

Lord Chancellor's Code of Practice on the Management of Records under section 46 of the Freedom of Information Act 2000 (November 2002) [Online] Available from: <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/code-of-practice>

Public Interest Disclosure Act (PIDA) 2003 (c.23) [online] London, HMSO. Available from: <http://www.legislation.gov.uk/ukpga/1998/23/contents>

19. ASSOCIATED DOCUMENTS

Southport and Ormskirk Hospital NHS Trust (2013) *CORP 03 Media Handling Policy*

Southport and Ormskirk Hospital NHS Trust (2014) *CORP 18 - Patient Identifiable Health Records Policy*

Southport and Ormskirk Hospital NHS Trust (2014) *CORP 33 Confidentiality and Security of Person Identifiable Information*

Southport and Ormskirk Hospital NHS Trust (2014) *CORP 85 Corporate Emails, Intranet and Internet Policy*

Southport and Ormskirk Hospital NHS Trust (2014) *CORP 87 IT & Information Security Policy*

20. APPENDICES

Appendix one – Exemptions available under Part II of the Freedom of Information Act 2000

20.1. Appendix 1 - Exemptions available under Part II of the Freedom of Information Act 2000

Section	Title	Description
21*	Information accessible to applicant by other means	information requested is already accessible to the requester, such as the information is already in the public domain
22	Information intended for future publication	The information is being prepared and definitely intend for it to be published, and it is reasonable not to disclose it until then
23*	Information supplied by, or relating to bodies dealing with security matters	The section 23 exemption applies to any information received from, or relating to, any of a list of named security bodies such as the security service.
24	National security	The section 24 exemption applies if the information is required for the purpose of safeguarding national security
26	Defence	If disclosure would prejudice the defence of the British Islands or any colony or the capability, effectiveness or security of the armed forces or that of any forces cooperating with them.
27	International relations	Section 27 also applies to confidential information obtained from other states, courts or international organisations
28	Relations within the United Kingdom	Section 28 sets out an exemption from the right to know, if the disclosure would be likely to prejudice relations between two or more United Kingdom administrations.
29	The economy	The exemption protects information that would damage the economy of the UK as a whole or a regional or local economy. It also protects information which would be likely to prejudice the financial interests of government administrations, for example revenue raised through taxation, or the funding of these administrations.
30	Investigations and proceeding conducted by public authorities	Covers information held for an investigation that the authority has a duty to conduct to decide if a person should be charged with or found guilty of an offence, relates to criminal proceedings that the authority has power to conduct or relates to civil proceedings brought by or on behalf of the authority.

Section	Title	Description
31	Law enforcement	Information is exempt if its release would prejudice law enforcement. This includes the prevention and detection of crime, apprehension and prosecution of offenders, administration of justice, the operation of immigration controls and the security of prisons
32	Court records etc.	Covers documents in the custody of a court, created by a court or served on or by a public authority for court proceedings
33	Audit functions	This applies to authorities that have functions relation to the audit of other authorities' accounts and the examination of efficiency and effectiveness of the use of their resources. This does not cover internal auditing functions of authorities.
34*	Parliamentary privilege	An exemption to avoid infringing the privileges of either House of Parliament.
35	Formulation of government policy, etc.	Relates to government departments and the National Assembly for Wales.
36*	Prejudice to effective conduct of public affairs	Information is exempt if, in the opinion of a qualified person, it would prejudice how the Trust functions. This exemption must be signed by the qualified person who is the Chief Executive.
37	Communications with Her Majesty, etc. and honours	Covers Her Majesty and other members of the Royal Family.
38	Health and safety	Information is exempt if its disclosure would endanger the physical health, mental health or safety of any individual.
39	Environmental information	Covers information that can be accessed via the Environmental Information Regulations.
40*	Personal information	Where the applicant is the subject of the information the request must be dealt with in accordance with the Subject Access rights provided in the Data Protection Act 1998. Where the applicant is not the subject of the information, then it is exempt if disclosure if it would breach the Data Protection Act.
41*	Information provided in confidence	If the disclosure of the information would constitute a breach of confidence that could lead to action against the Trust.

Section	Title	Description
42	Legal professional privilege	Protects information shared between a client and their professional legal advisor (solicitor or barrister, including in-house lawyers) for the purposes of obtaining legal advice or for ongoing or proposed legal action. These long-established rules exist to ensure people are confident they can be completely frank and
43	Commercial interests	information is exempt if it constitutes a trade secret or would prejudice or be likely to prejudice the commercial interests or any person or organisation
44*	Prohibitions on disclosure	Information is exempt if its release is prohibited under any enactment or would constitute contempt of court.

*Absolute Exemptions