

S Carroll

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Ref: 8535

Information Governance

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Date: 20 June 2019

Dear S Carroll

Subject: Freedom of information request

I am writing to confirm that I have now completed my search for the information which you requested on 22 May 2019 as outlined below:

- *I am now requesting all internal documents relating to the relationship between NHSBSA & DHSC relating to EIBSS.*
- *How the EIBSS is funded by DHSC, how much is the budget for 2019/20?*
- *What portion of the budget is allocated for the infected/affected?*
- *How this is disrupted between HIV infected? Co-Infected, Hep C Stage 1? Hep C stage 2? & the running costs of EIBSS?*

Relationship between NHSBSA and DHSC

A copy of the information is attached i.e. the Memorandum of Understanding (MoU) between the NHS Business Services Authority (NHSBSA) and Department of Health and Social Care (DHSC).

Signatures

Please be aware that I have decided not to release the signatures of the signatories as this information falls under the exemption in section 40 subsections 2 and 3 (a) of the Freedom of Information Act.

This is because it would breach the first data protection principle as:

- a) It is not fair to disclose these people's personal details to the world and is likely to cause damage or distress to the signatories. Signatures can also be used by identity thieves.
- b) These details are not of sufficient interest to the public to warrant an intrusion into the privacy of those people.

Annex A at the end of this letter sets out the exemption in full.

How is England Infected Blood Support Scheme (EIBSS) Funded and Information about Budget

I am writing to advise you that following a search of our paper and electronic records, I have established that some of the information you've requested is not held by the NHSBSA.

NHSBSA administers the EIBSS on behalf of DHSC. How the scheme is funded is defined in the funding section of the attached MoU document. However 2019/20 funding is still under discussion following the recent government announcement (30 April 2019) to enhance payments made through EIBSS. If further information regarding the 2019/20 funding is required, this information will need to be sought from DHSC directly.

The full budgeted amount is allocated to the infected/affected. The administrative support that NHSBSA EIBSS provides is separately funded. EIBSS is a Directed Service, which NHSBSA administer on behalf of the Secretary of State for Health, NHSBSA administer several Directed Services, and these Services are funded through a central allocation of funding from DHSC.

For information on how EIBSS is funded please write to DHSC at:

Ministerial Correspondence and Public Enquiries Unit
Department of Health and Social Care
Richmond House
79 Whitehall
London
SW1A 2NS
Contact form <https://contactus.dh.gov.uk/?openform>
Telephone 020 7210 4850
Fax 020 7210 5952
Textphone 020 7210 5025

Please note that this information will be published on our Freedom of Information disclosure log at:

https://apps.nhsbsa.nhs.uk/FOI/foiRequestDetail.do?bo_id=8535

Your personal details will be removed from the published response.

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<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Should you wish to re-use the information you must include the following statement: "EIBSS, NHSBSA Copyright 2019" This information is licenced under the terms of the Open Government Licence:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

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If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of my decision, please write within 40 working days of the date of this letter to:

Chris Gooday
Information Governance Manager
NHS Business Services Authority
Stella House
Goldcrest Way
Newburn Riverside Business Park
Newcastle upon Tyne
NE15 8NY

Details of how we will handle your review request are available on our website at:

<https://bit.ly/2Sjdk2H>

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally, the ICO cannot make a decision unless you have exhausted the NHS Business Services Authority's complaints procedure.

The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745
Fax: 01625 524 510
Email: enquiries@ico.gsi.gov.uk

If you have any queries about this letter, please contact me. Please quote the reference number above in any future.

Yours sincerely



Chris Dunn
Information Governance Specialist

Annex A

Section 40 - Personal information

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if -

- a. it constitutes personal data which does not fall within subsection (1), and
- b. the first, second or third condition below is satisfied.

(3A)

The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

- (a) would contravene any of the data protection principles, or
- (b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

(4A) The third condition is that—

- (a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or
- (b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

(5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles, or

(ii) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded;

(b) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene Article 21 of the GDPR (general processing: right to object to processing);

(c) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for confirmation of whether personal data is being processed, the information would be withheld in reliance on a provision listed in subsection (4A)(a);

(d) on a request under section 45(1)(a) of the Data Protection Act 2018 (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section

(6) In this section—

“the data protection principles” means the principles set out in—

(a) Article 5(1) of the GDPR, and

(b) section 34(1) of the Data Protection Act 2018;

“data subject” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“the GDPR”, “personal data”, “processing” and references to a provision of Chapter 2 of Part 2 of the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(2), (4), (10), (11) and (14) of that Act).

(7) In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second sub-paragraph (disapplying the legitimate interests gateway in relation to public authorities) were omitted.”