

13 September 2018

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Dr Colin Iain Campbell MBChB FRSPH

By email

request-509995-2c972402@whatdotheyknow.com

Dear Dr Campbell

Request under the Freedom of Information Act 2000 (the “FOI Act”)

We refer to your email of 15 August 2018 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority have been operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

Your request

You made the following request:

“We understand there are 10 people on NHS Improvement's agency team, please disclose the following preferably as an excel spreadsheet with a column for each field:

- 1. Individual job titles of each of these team members.*
- 2. Name of each team member (if permitted, obviously any who are senior civil servants should be disclosed, we hope more junior members will be too).*
- 3. Email address of each team member*
- 4. Line manager of each team member*
- 5. The duties/role of each team member (including which other central NHS bodies and frameworks they routinely interact with).*

Who does the Agency Team report to overall? Does instruction come directly from politicians or is NHS Improvement senior management generally a conduit?

Decision

NHS Improvement holds the information that you have requested and has decided to release some of the information that it holds.

Please refer to the annexed spreadsheet. Some of the information is being withheld on the applicability of section 40 of the FOI Act, as explained in detail below.

Section 40 – personal data

Section 40(2) states that requested information is exempt from disclosure if the first or the second condition at section 40(3A)(a) of the FOI Act is satisfied.

We consider that direct e-mail addresses, names and job titles of junior staff members, are exempt from disclosure under section 40(2) of the FOI Act. This is on the grounds that they amounts to personal data and the first condition under section 40(3A)(a) is satisfied, namely, that disclosure would amount to a breach of the first data protection principle (personal data should be processed lawfully, fairly and in a transparent manner) as the individuals concerned would have a reasonable expectation that these particular items of personal information would not be disclosed into the public domain. Section 40 is an absolute exemption and consideration of the public interest test in disclosure is not required.

Review rights

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to nhsi.foi@nhs.net.

Publication

Please note that this letter and the attached information will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,

NHS Improvement