

Medicines Management Dept: Standard Operating Procedure for the Management of Freedom of Information Requests

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The latest approved version of this document is online.
If the review date has passed please contact the Author for advice.

Version Control

Version	Summary of Changes/Amendments	Issue Date
1	Initial Issue	Oct 2020

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ENGAGEMENT & CONSULTATION

Key Individuals/Groups Involved in Developing this Document

Role / Designation
Jason Carroll, Senior Medicines Management Pharmacist

Circulated to the following for Consultation

Date	Role / Designation
30/09/2020	Medicines Management dept. team members

Evidence Base

Please list any National Guidelines, Legislation or Health and Care Standards relating to this subject area?

None

IMPACT ASSESSMENTS

Equality Impact Assessment Summary					
	No impact	Adverse	Differential	Positive	Statement
					<i>Please provide supporting narrative for any adverse, differential or positive impacts that may arise from the implementation of this policy</i>
Age	X				
Disability	X				
Gender reassignment	X				
Pregnancy and Maternity	X				
Race	X				
Religion or Belief	X				
Sex	X				
Sexual Orientation	X				
Marriage and Civil Partnership	X				
Welsh Language	X				
Risk Assessment Summary					
<p>Have you identified any risks arising from the implementation of this policy / procedure / written control document?</p> <p>No risks identified</p>					
<p>Have you identified any Information Governance issues arising from the implementation of this policy / procedure / written control document?</p> <p>No risks identified</p>					
<p>Have you identified any training and / or resource implications as a result of implementing this?</p> <p>None identified</p>					

1 Introduction

The Freedom of Information Act 2000 came into force in January 2005 and gives individuals the legal right to request, and be given, information held by public authorities. Section 1 of the Act gives a general right of access from 1st January 2005, to recorded information held by the THB, subject to certain conditions and exemptions contained in the Act.

FOI requests for information relating to medication are often directed by the health board's freedom of information team to the Medicines Management dept.

2 Objective

This document sets out how the Medicines Management dept. will manage requests for information received from the health board's freedom of information team. It is designed to ensure that such requests are managed efficiently and in accordance with current FOI legislation and guidance.

3 Definitions (Mandatory Heading)

- **FOI** – Freedom of Information
- **IG** – Information Governance dept.
- **MM** – Medicines Management dept.
- **PTHB** – Powys Teaching Health Board
- **SOP** – Standard Operating Procedure

4 Responsibilities

4.1 Chief Pharmacist

The Chief Pharmacist must:

- Ensure all staff read and understand this procedure
- Arrange regular review to monitor compliance with this procedure

4.3 Senior Pharmacists

The Senior Pharmacists must:

- Ensure staff are trained in using this procedure
- Ensure dissemination of this document
- Support MM staff with implementing this procedure

4.4 All MM Staff

All MM staff must:

- Be aware and familiar with this standard operating procedure
- Manage FOI requests in line with this procedure
- Seek support from senior colleagues where required

5 Process

5.1 Receiving a Request

External Requests

All FOI requests received direct from external to the organisation (i.e. not via PTHB FOI team) should be forwarded to the health board's freedom of information team at PowysFOI.FOI@wales.nhs.uk

Internal Requests

All requests forwarded to the MM dept. by the health board's FOI team should be emailed upon receipt to the designated FOI lead (currently Jason Carroll) or where necessary, to the designated alternate FOI lead (currently Nikki Mathers). Care should be taken to ensure that the FOI reference number within the email subject line is preserved.

The FOI should be record on the MM dept. FOI Request Log at
J:\Medical\MM\FOI\FOI Request Log.xlsx

5.2 Forwarding a Request

The FOI lead should review the request and identify which members of the MM dept. are best placed to provide the required information. Where necessary, the request should be forwarded via email to one or more members of the MM dept., clearly indicating the information required from each recipient, and requesting that the information is returned to the FOI lead.

Where it is immediately clear from the request that the MM dept. does not hold the requested information, the FOI lead should communicate this to the FOI team.

The FOI Request Log should be updated as necessary.

5.3 Unclear or complex requests

In the event that the request is not sufficiently clear for the MM dept. to prepare an accurate response, this must be raised with the FOI lead within 2 working days. The FOI lead will liaise with the FOI team to clarify the request.

	<p>Where it is not possible to provide the requested information within 5 working days, e.g. due to complexity, this should be raised with the FOI lead as soon as possible. The FOI lead will liaise with the FOI team to consider mitigating actions, which may include an extension to the usual deadline, or a refusal to provide the information / levying of a fee where an estimate of the time required to provide the information exceeds 18 hours.</p>
	<p>5.4 Preparing a Draft Response</p> <p>All members of the MM dept. requested to provide information relating to an FOI request should do so in line with guidance published by the Information Commissioner's Office, including "<i>Determining whether information is held</i>". Where the MM dept. does not hold information relating to one or more components of the FOI request, this should be communicated in the draft response. Where appropriate, the response should identify an alternative source of the requested information.</p> <p>The requested information should be emailed in full to the FOI lead as soon as practical, and within 4 working days whenever possible. The email should contain the original request and preserve the FOI reference number within the subject line.</p> <p>Responses to FOI requests should not contain patient identifiable information and as such, password protection is not required for information forwarded via NHS email.</p> <p>The FOI Request Log should be updated as necessary.</p>
	<p>5.5 Approval of Draft Response</p> <p>The FOI lead will collate the information and prepare a draft response, ensuring that each component of the FOI request has been addressed in full.</p> <p>The FOI lead will email the draft response to the Chief Pharmacist for review.</p> <p>The FOI Request Log should be updated as necessary.</p>
	<p>5.6 Provision of Final Response</p> <p>Where the draft response is approved, the Chief Pharmacist will confirm this with the FOI lead who will then forward the final response to the FOI team.</p> <p>Where the draft response is not approved, the Chief Pharmacist will liaise with the FOI lead to address the relevant issue(s).</p>

Where the Chief Pharmacist is unavailable, the FOI lead may liaise with a senior member of the MM dept. in order to agree a final response.

The FOI Request Log should be updated as necessary.

6 Monitoring Compliance, Audit & Review

All information provided in response to FOI requests will be routinely reviewed by the Chief Pharmacist prior to submission to the FOI team.

This document will be reviewed every three years or earlier should audit results or changes to legislation / practice within PTHB indicate otherwise.

7 References

PTHB / IGP02 - Policy For Compliance With The Freedom Of Information Act 2000 And Environmental Information Regulations 2004

ICO – What is the Freedom of Information act?

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

ICO – Guide to Freedom of Information

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

ICO – Determining whether information is held.

https://ico.org.uk/media/for-organisations/documents/1169/determining_whether_information_is_held_foi_eir.pdf

Appendix One: Template FOI Responses

1. Requests for data relating to primary care prescribing costs/levels:

Data on primary care prescribing volume (not patients) in Powys is available in the public domain and can be accessed by the requestor via the link below:

<http://www.primarycareservices.wales.nhs.uk/general-practice-prescribing-data-extrac>

The site contains guidance on how to download the data, but the requestor will need to analyse it to extract the required information.

2. Requests for data relating to the number of patients treated in primary care:

Primary care prescribing data does not contain details of individual patients or patient numbers. The PTHB Medicines Management dept. is therefore unable to provide the information requested.

3. Requests relating to the number of patients treated in secondary care, where exact numbers are not available:

Due to the complex nature of PTHB's commissioning arrangements, not all of our providers [*insert relevant clause e.g. "indicate the reason for use" / "indicate the age of the patient" / "indicate which department the patient was treated at"*] for each episode of care where these drugs are used. For this reason, PTHB does not hold the data relating to your request. We advise you to approach our providers for this information directly:

Health Board/Organisation	FOI Contact Details
Robert Jones Agnes Hunt	rjah.foi@nhs.net
Shrewsbury & Telford Hospital N H S Trust	https://www.sath.nhs.uk/about-us/freedom-of-information/make-an-enquiry/
Wye Valley NHS trust	https://www.wyevalley.nhs.uk/about-us/information-requests.aspx

(Continued overleaf)

Health Board/Organisation	FOI Contact Details
Aneurin Bevan University Health Board	FOI.ABB@wales.nhs.uk
Betsi Cadwaldr University Health Board	bcu.foi@wales.nhs.uk
Cardiff & Vale University Health Board	FOI.Requests@wales.nhs.uk
Cwm Taf Morgannwg University Health Board	Freedomofinformation@wales.nhs.uk
Hywel Dda University Health Board	FOI.hyweldda@wales.nhs.uk
Swansea Bay University Health Board	FOIA.Requests@wales.nhs.uk