

Greater Glasgow NHS Board

Board Meeting

Tuesday, 20th July 2004

Board Paper No. 2004/44

Head of Board Administration
General Manager, Corporate Services,
Primary Care Division

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

Recommendation:

Members are asked to:

- (a) Note the summary of the Freedom of Information (Scotland) Act 2002.
- (b) Note that under the Act, which will come fully into force from 1st January 2005, the Board has to produce a Publication Scheme based on a Model Scheme approved by the Scottish Information Commissioner.
- (c) Receive a draft of the Publication Scheme which will come into effect from 1st September 2004 and endorse the Scheme's adoption.
- (d) Approve arrangements for decisions made under the Act which are subject to a "request for review" to be considered by the Chairman of the Board, Chairs of Divisions or another Non-Executive acting on their behalf.
- (e) Note that arrangements are being put in place to ensure staff are aware of our obligations under the Act and that appropriate systems will be introduced between now and 1st January 2005.

1. Introduction

- 1.1 The Freedom of Information (Scotland) Act 2002 is an Act of the Scottish Parliament which will come fully into force from 1st January 2005. The Act builds upon existing rights of individuals to access information held by Scottish Public Bodies, but is much wider in application than existing provisions. It is part of the Scottish Executive's plans to make public bodies more accountable. This paper gives what amounts to only a brief overview of the Act and explains some of the actions which NHS Greater Glasgow needs to take in preparation for the Act.
- 1.2 The Act may have significant implications for the organisation in how we hold information and in ensuring that we are able to meet the obligations on openness which are implicit in what the Act expects of public authorities.

2. Principles of the Act

- 2.1 The Act gives people right to access information held by public bodies. It starts with a very fundamental statement that:-

“A person who requests information from a public authority which holds it is entitled to be given it by the authority.”

- 2.2 This principle is subject to various caveats, but essentially the Act gives a legal right to any person to obtain information from Scottish public authorities. This legal right of access includes all types of ‘recorded’ information of any date held by Scottish public authorities. The Act is retrospective in that it applies not just to information created from when the Act was passed, but to all recorded information held. The right is exercisable by any person with legal capacity and as such includes not just private individuals, but organisations, companies, voluntary bodies etc. The right is exercisable by any person. There is no need to meet any eligibility criteria such as residence etc. From 1st January 2005 when the Act comes into full force, any person who makes a request for information must be provided with it, subject to the conditions as set out in the Act.
- 2.3 The Act applies to the majority of public bodies in Scotland, including the NHS; corresponding legislation passed by the Westminster Parliament covers England and Wales and those public bodies who operate across the UK. The Westminster Act will be introduced to the same timeframe as the Scottish Act.
- 2.4 There is provision which allows the Act to apply to companies wholly owned by Scottish public bodies and for an Order to be made designating private bodies as subject to the Act if they are discharging public functions.
- 2.5 Kevin Dunion has been appointed as Scottish Information Commissioner to promote compliance with the Act. He has various legal powers to ensure the public’s right of freedom of information is upheld.
- 2.6 For public bodies within the NHS who hold significant volumes of confidential personal information the Act will require careful implementation to ensure that the rights of public disclosure are upheld and the rights of confidentiality of the individual protected. This is provided for within the framework of the Act.
- 2.7 From 1st January 2005, public bodies have to be in a position to respond to specific requests for information. Before then (from 1st September 2004 in the case of the NHS), we have to meet certain obligations to proactively publish information via a Publication Scheme.

3. Publication Scheme

- 3.1 Each public body has to produce a Publication Scheme which is approved by the Scottish Information Commissioner. There is provision for the production of generic schemes which relate to types of organisations. Within the NHS, it has been agreed that there will be a Model Publication Scheme covering the geographical and Special Health Boards. The terms of that scheme have been devised by a group led by the Scottish Executive with participation from representatives of the majority of Boards and endorsed by the Information Commissioner. The Information Commissioner has now also agreed to its use within NHS Greater Glasgow.
- 3.2 Under the Act, a Publication Scheme must set out:-
 - (a) the classes of information which a body publishes;

(b) the manner of publication; and

(c) details of any charges.

The Model Scheme adopted sets out a framework for presentation of the Publication Scheme into which each body inserts relevant information. A Group with representatives from the Board and each Division Chaired by the General Manager for Corporate Services at the Primary Care Division is currently agreeing the content of the Scheme so that it will be available before 1st September. An outline of the Scheme (excluding the detailed information under the various classes) is attached as Appendix A.

3.3 Once completed the Publication Scheme will sit on the NHS Greater Glasgow web site and will also be available in paper form. So far as possible information in the Publication Scheme will be available to download from the web.

4. Requesting Information

4.1 This Section advises of additional provisions under the Act for requesting information. These provisions, as noted above, come into effect from 1st January 2005. In summary:-

- (a) requests for information have to be in writing, or some other permanent form;
- (b) there is no need to quote the Act when an individual makes as request – this means we have to engage in an extensive awareness programme for all our staff;
- (c) an individual is not required to say why he/she requires the information;
- (d) the request must contain sufficient information to enable the recipient to identify what is requested;
- (e) if a request is unclear we can go back to the applicant to request more information; and
- (f) we are required to provide advice and assistance to applicants and potential applicants as far as reasonably practicable.

(i) Fees

4.2 We may charge applicants for providing information in accordance with a statutory scheme but we are not obliged to do so. Under the **draft** charging scheme we have to meet the first £100 of cost and thereafter the applicant may be charged 10% of costs beyond the initial £100 up to a cost ceiling of £600 i.e. actual charge of £50 (Calculation Cost ceiling = £600 - £100 met by authority = £500 x 10% = £50 maximum charge to individual). If the cost of providing information is estimated to exceed £600, we may decline to provide the information, but if we decide to do so, the applicant can be charged the cost which is over £600 i.e. they meet £50 as above but then meet the marginal cost above £600 so that for a request which costs say £1000 to respond to we may charge £50 + £400 (£1000- £600) = £450.

(ii) Procedures and Exemptions

- 4.3 Where a request is received, we must first of all establish if we hold the information requested. If we do not we must advise the applicant of this via a formal notice. If we do hold the information we must decide if any of the exemptions under the Act apply (which enable us to decline to provide the information requested). There are 17 grounds specified in the Act where an exemption may apply. These are classed as either absolute or non-absolute. If an exemption is non-absolute we have to decide – notwithstanding the existence of an exemption – if it would be in the “public interest” to disclose the information requested. An outline summary of the 17 exemptions under the Act is listed at Appendix B to give members an indication of the scope of these exemptions. The full application of the exemptions will only become clear once the Act is fully in force and the Information Commissioner starts to give opinions on their scope. If we do not intend to rely on an exemption we then need to consider if a charge for providing the information is to be made, calculate this charge and advise the applicant of our estimate of cost.

(iii) Timescales

- 4.4 The Act lays down specific timescales for public authorities to deal with requests. From receipt of a request, we have 20 working days to provide information. Excluded from this period is any period when we are seeking to clarify the detail of the request or where a fee notice has been issued and payment of the required fee is awaited.

(iv) Codes of Practice

- 4.5 Under the Act, provision is made for the issue of Codes of Practice dealing with:-
- Discharge of Functions by an authority under the Act (s. 60); and
 - Records Management (s. 61)

Failure to follow the terms of these Codes may result in enforcement action by the Commissioner.

5. Requirement for Review

- 5.1 An applicant who is not satisfied with the response (or lack of it) from an authority to an access request may, within 40 days, require the authority to review the decision. This review process is to be separate from the normal NHS Complaints Procedure. The authority must usually undertake a review within 20 working days. Following a review, or if the applicant does not receive a response to his/her request for review within 20 working days, the applicant is entitled to complain to the Commissioner.
- 5.2 The Code of Practice on Discharge of Functions makes it clear that a person who was not involved in the initial decision on the application should wherever possible be involved in the internal review process. The procedure adopted should ensure that the request (or the issue which is subject to review) is looked at afresh. A procedure has been prepared which will see requests for review being submitted to a named individual within the Board or relevant Division. The procedure envisages that the decision on the internal review will be taken by the Chairman of the Board or relevant Divisional Chair, or a nominated Non-

executive Member in their absence following such consultation as they deem appropriate. A draft of the proposed procedure is attached at Appendix C.

6. Protecting Personal Confidential Information

- 6.1 It is important to note that the Act, whilst making some amendments to the Data Protection Act 1998, does not override the basic principles of that Act in ensuring that personal data is held securely and is not disclosed to third parties without consent. The Data Protection Act covers situations where an individual asks for information about him or herself. Where a request is made by a third party the request will in future be covered by Freedom of Information, but an exemption to the right of access will generally arise if the data is covered by the Data Protection Act or relates to the health records of deceased persons.

7. Awareness and Training

- 7.1 The Act presents a considerable challenge in ensuring that staff at all levels in the organisation are aware of the requirements of the Act, that systems are put in place to meet our obligations and that there are a number of appropriately training individuals sufficiently versed in those procedures to apply the Act.
- 7.2 Plans are underway to raise awareness of the Act through leaflets, posters, the Staff News and local briefing arrangements.
- 7.3 Within the Board and each Division training is being planned or already being delivered to targeted groups of staff. As January 2005 approaches, we will ensure that systems are put in place to meet our obligations under the Act recognising that for an organisation the size of NHS Greater Glasgow it is important that we have a degree of commonality of approach whilst meeting local operating circumstances.

Contact for further information

John Dearden 0141 211 0214
John Hamilton 0141 201 4608

NHS GREATER GLASGOW FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

PUBLICATION SCHEME

The Purpose of this document is to provide advice and assistance to those seeking information about the NHS in Greater Glasgow.

The information which follows is provided based on a Model Publication Scheme which the Scottish Information Commissioner has agreed may be used by NHS bodies in Scotland.

The information is intended to meet our obligation under the Freedom of Information (Scotland) Act 2002 to describe the information which we publish. The pages, which follow are in a standard form adopted by most of the NHS bodies in Scotland, but the information detailed and where and how you may access it, will vary from organisation to organisation.

This Section does not form part of the Publication Scheme. It is provided to explain the nature of the information that follows.

The Publication Scheme comes into effect from 1st September 2004 and has been approved for an initial period of 4 years. Within that period we will review the content of the Scheme. We may also add information to the Scheme under the classes listed in Part Two. We welcome comments on the Scheme and any suggestions on how the Scheme may be more useful.

The Publication Scheme is available on our web site at <http://www.nhsgg.org.uk/foi> . Wherever possible the web version will provide direct links to various electronic versions of documents. Where this is not possible, details of how you can access these documents will be provided.

The Publication Scheme is also available in paper form but in this format it is not possible to provide all the linked documents and separate requests will need to be made to named contacts for specific information.

Version	Originator	Date	Detail
V1.1	JMcA	03.06.2004	Initial draft based on Model Scheme
V1.2	JD	03.06.2004	Revised draft based on Model Scheme
V1.3	JD	07.07.2004	Working draft to Pan Glasgow Steering Group
V1.4	JD	09.07.2004	Draft following Pan Glasgow Steering Group
V1.5	JD	12.07.2004	As submitted to NHS GG Board

Welcome to NHS Greater Glasgow (Greater Glasgow Health Board) Publication Scheme

The Publication Scheme is in two parts, as follows:

PART ONE: Introduction and Background Information
PART TWO: The Classes of Information

PART ONE: INTRODUCTION AND BACKGROUND INFORMATION

• **The NHS in Scotland**

1. The NHS in Scotland is a large and complex organisation but is essentially organised into 2 tiers. The Scottish Executive Health Department (SEHD) is responsible for national policy and NHS Boards are responsible for local health planning and improvement and for the delivery of hospital, community and primary care services. There are also 8 Special Health Boards which provide services on a national basis. The SEHD is responsible to Scottish Ministers and Ministers are accountable to the Scottish Parliament for the activities of the NHS in Scotland. The Head of SEHD is also Chief Executive of NHSScotland and, as the accountable officer, he is directly accountable to the Scottish Parliament for financial propriety and regularity and for achieving best value from the resources allocated to SEHD and NHSScotland.
2. This Publication Scheme covers the 15 NHS Boards and the 8 Special Health Boards in Scotland

NHS Boards

Argyll & Clyde
Ayrshire & Arran
Borders
Dumfries & Galloway
Fife
Forth Valley
Grampian
Greater Glasgow
Highland
Lanarkshire
Lothian
Orkney
Shetland
Tayside
Western Isles

Special Health Boards

NHS Quality Improvement Scotland
NHS Health Scotland
NHS Education for Scotland
Common Services Agency
Golden Jubilee National Hospital
Scottish Ambulance Service
State Hospital
NHS 24

1.1 Pen pictures of NHS Boards and Health Boards

3. (a) NHS Boards

An NHS Board is a body corporate consisting of a Chair appointed by the Scottish Ministers and such numbers of other members so appointed as the Scottish Ministers think fit.

NHS Boards manage their day-to-day affairs without detailed oversight from Ministers and SEHD. Boards are accountable to Ministers and SEHD for the financial and operational performance of the local NHS system.

NHS Boards are primarily responsible for the protection and improvement of the health of their population; the delivery of hospital, community and primary care services; for developing a local health plan which addresses the health priorities and health care needs of the population; for allocating resources to address local priorities in accordance with a Board's strategic objectives and the performance management of the local health system.

(b) Greater Glasgow NHS Board

The NHS Greater Glasgow Board covers a geographical area shown by reference to Postcode Sectors on the map below.

**MAP OF GREATER GLASGOW NHS BOARD AREA
SHOWING POSTCODE SECTORS
TO BE INCLUDED IN FINAL VERSION**

We cover the local authority areas of:-

Glasgow City (whole area)

East Dunbartonshire (whole area)

East Renfrewshire

(approximately 70% excluding the Barrhead area)

West Dunbartonshire

(approximately 50%) and covering the area known as Clydebank

North Lanarkshire

(about 5% comprising the Stepps and Moodiesburn Corridor)

South Lanarkshire

(about 20% comprising Cambuslang and Rutherglen)

The Headquarters of NHS Greater Glasgow is at:

Dalian House
350 St Vincent Street
Glasgow
G3 8YZ

Telephone: 0141-201-4444
Fax: 0141-201-4401
Text Phone: 0141-201-4400

The organisation provides the full range of NHS services to its resident population of some 927,000 and comprises a Headquarters (which provides strategic leadership and direction to the local NHS system) and four operating Divisions.

We have a variety of links with the University of Glasgow, Strathclyde University and Glasgow Caledonian University and provide teaching and research facilities at many of our hospitals and other points of service delivery. We also have a range of joint working arrangements with local authorities and the voluntary sector.

A number of regional and national services are delivered from NHS Greater Glasgow as noted under [Class \(a\)](#) below.

Our Divisions are listed below:-

North Glasgow University Hospitals Division (providing secondary care and some national and regional services through hospital sites North of the River Clyde)

Divisional Headquarters
North Glasgow University Hospitals Division
300 Balgahill Road
Glasgow G21 3UR

Telephone: 0141-201-4200
Fax: 0141-201-4202

South Glasgow University Hospitals Division (providing secondary care and some national and regional services through hospital sites South of the River Clyde)

Divisional Headquarters
South Glasgow University Hospitals Division
Southern General Hospital
1345 Govan Road
Glasgow G51 4TF

Telephone: 0141-201-1200
Fax: 0141-201-2999

Primary Care Division (providing primary care, community and mental health services across the Board area).

Divisional Headquarters
Primary Care Division
Gartnavel Royal Hospital
1055 Great Western Road
Glasgow G12 0XH

Telephone: 0141-211-3600
Fax: 0141-211-0307

Yorkhill Division (providing maternal health and specialist children's acute and community health services across the Board area and on a regional basis).

Yorkhill Division,
Dalnair Street
Yorkhill
Glasgow, G3 8SJ

Telephone: 0141-201-0000
Fax: 0141-201-0836

• What is a Publication Scheme?

4. The Freedom of Information (Scotland) Act 2002 (the FOI Act) recognises that as a member of the public you have the right to know how public services such as the NHS are organised and run, how much they cost and how you can make complaints if you need to. You have the right to know which services are being provided, the targets that are being set, the standards of services that are expected and the results achieved. We are committed to openness and transparency in the provision of information to the public.
5. This Publication Scheme is made under the Freedom of Information (Scotland) Act 2002 and is a guide to the information routinely published by NHS Greater Glasgow. The Publication Scheme will help you to find all the information which the NHS Greater Glasgow publishes. It is organised into a series of 12 Classes (paragraph 21) and the information is encompassed within the Classes (paragraphs 28-40). It is a description of the information held by NHS Greater Glasgow which we make publicly available. Although the information in the Classes is common to NHS Boards and Special Health Boards, please note that the titles of some of the documents/information may vary according to NHS Board/Special Health Board. We shall review the Scheme at regular intervals and monitor how it is operating. It is important to us that this Scheme meets your needs and we have designed it to be a route map so that you can find information about NHS Greater

Glasgow easily. Under Section 23 of the Freedom of Information (Scotland) Act 2002, NHS Greater Glasgow has a legal duty to adopt and maintain a Publication Scheme for the publication of NHS Greater Glasgow information. The purpose of the Act is to promote greater openness by public authorities (of which NHS Greater Glasgow is one).

• **Formulation of the Scheme**

6. This Publication Scheme has been drawn up by the Scottish Executive Health Department. To help in this process a Working Group of representatives with FOI responsibilities from all NHS Boards and Special Health Boards (SHBs) was set up. This Working Group has met regularly and has been extensively involved in developing and drawing up this Scheme.
7. The specific Classes utilised in the Scheme take into account the considerable practical experience and knowledge of the FOI Working Group. The Classes also incorporate, where this is still relevant, a number of the key areas from the Code of Practice on Openness in the NHS in Scotland published in 1995.
8. It has not been possible to consult with the public in relation to this Publication Scheme for NHS Greater Glasgow. Consultations will be part of NHS Greater Glasgow ongoing commitment to openness and transparency and to implementing the Patient Focus/Public Involvement policy approach. Your comments will be welcomed and will help us to revise and update our Scheme. Please send any comments you may have to the contact set out in paragraph 13 of this Scheme
9. The Scottish Executive, the FOI Working Group and all NHS Boards and Special Health Boards will be closely monitoring the operation and implementation of this Scheme. We will consider, when necessary and appropriate, the introduction of modifications to the Scheme to reflect public usage, comment and demand.

• **Information Management**

10. Information falling into the Classes will be retained in line with the NHS Greater Glasgow retention and disposal policies. Information not required for the current business purposes of the NHS Greater Glasgow is stored:
 - (a) at the offices of Greater Glasgow NHS Board and its four Divisions;
 - (b) at the NHS Greater Glasgow Archive, with the advice of the Keeper of the Records of Scotland for the purpose of holding our records and those of our predecessor bodies (Contact: Alistair Tough, NHS Greater Glasgow Archivist, The Archives & Business Records Centre, University of Glasgow, 77-87 Dumbarton Road, Glasgow, G11 6PW Telephone 0141-330-2992; Fax 0141-330-4158; or e-mail a.tough@archives.gla.ac.uk).
11. Records that are of long-term value for legal or administrative purposes or for epidemiological, medical or historical research are transferred to an archive or other place of deposit (details in paragraph 10 above). Facilities for consultation and summary descriptions, catalogues and lists of holdings are available. Access to information contained in historical records is free of charge. Archival holdings are usually unique documents, which can also be fragile. Therefore some restrictions may apply, particularly to photocopying. However, alternative forms of reproduction will be made available wherever possible. Copying is also subject to copyright considerations (see also paragraph 41).

- **Feedback**

12. Each NHS Board/Special Health Board has designated a senior person who has overall responsibility for the Publication Scheme. For NHS Greater Glasgow this person is:

John Dearden
General Manager, Corporate Services
Primary Care Division, NHS Greater Glasgow
Divisional Headquarters
Gartnavel Royal Hospital,
1055 Great Western Road,
Glasgow, G12 0XH

Tel 0141-211-0214/0684
E-Mail john.dearden@gartnavel.gla.com.nhs.uk
Fax 0141-211-0307

13. If you have any questions, comments or complaints about the Scheme itself or how we operate this Scheme, please contact the FOI contact below at Greater Glasgow NHS Board and its Divisions who will advise you on how we will consider the issue you have raised.

(i) **Greater Glasgow NHS Board:**

John C Hamilton
Head of Board Administration
NHS Greater Glasgow Board
Dalian House, 350 St Vincent Street,
Glasgow G3 8YZ

Tel 0141-201-4608
E-Mail foi.board@nhs.gov.uk
Fax 0141-201-4601

(ii) **Primary Care Division**

John Dearden
General Manager, Corporate Services
Primary Care Division, NHS Greater Glasgow
Divisional Headquarters
Gartnavel Royal Hospital, 1055 Great Western Road,
Glasgow G12 0XH

Tel 0141-211-0214/0684
E-Mail foi.pcd@nhs.gov.uk
Fax 0141-211-0307

(iii) **North Glasgow University Hospitals Division**

Isobel Brown
Information Security Officer
Health Information Office, Western Infirmary,
Church Street,
Glasgow G11 6NT

Tel 0141-211-1790
E-Mail foi.north@nhs.gov.uk
Fax 0141-211-1971

(iv) South Glasgow University Hospitals Division

Gavin Barclay
Head of Administration
South Glasgow University Hospitals Division,
Southern General Hospital,
1345 Govan Road,
Glasgow, G52 4TF

Tel 0141-201-1257
E-Mail foi.south@nhsqq.org.uk
Fax 0141-201-2999

(v) Yorkhill Division

John Marshall
Planning Manager
Yorkhill Division,
Royal Hospital for Sick Children,
Glasgow, G3 8SJ

Tel 0141-201-0476
E-Mail foi.yorkhill@nhsqq.org.uk
Fax 0141-201-0776

14. If we are unable to resolve any complaint, you can complain to the Scottish Information Commissioner who oversees the Act and whose contact details are below. From 1 January 2005, a general right of access to information comes into force; there will be a formal appeal mechanism when information is withheld. Further details on this will be available on the Commissioner's web site at www.itspublicknowledge.info before this date.

Kevin Dunion OBE
Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
ST ANDREWS
Fife KY16 9DS

Tel: 01334 464610
E-Mail: enquiries@itspublicknowledge.info

• **Rights of Access to Information**

15. Until 1 January 2005, in addition to accessing the information identified in this Publication Scheme, you are entitled to request information about NHS Greater Glasgow under the Code of Practice on Openness in the NHS in Scotland. Copies are available, free of charge, from the Scottish Executive Health Department, St Andrew's House, Edinburgh EH1 3DG or from the persons listed in paragraph 13 above.

Sometimes some or all of the information cannot be provided and we will explain the reasons why not when this happens.

16. From 1 January 2005 the FOI Act will also oblige the NHS Greater Glasgow to respond to requests about the information which it holds and is recorded in any form and it will create a general right of access to that information. The right to access this information is subject to certain exemptions listed in the FOI Act which the NHS

Greater Glasgow has to take into consideration before deciding what information can be supplied

17. The FOI Act does not change the right of patients to protection of their right to confidentiality as a user of the services we provide in accordance with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Human Rights Act 1998, the Data Protection Act 1998 and at common law. Maintaining the legal right to patient confidentiality continues to be an important commitment on our part.

- **Personal Information**

18. To help with the issue of personal information, we have appointed someone who is called a **Caldicott Guardian**, and who has responsibility to ensure the protection of patient confidentiality throughout the NHS Greater Glasgow in accordance with your legal rights. In NHS Greater Glasgow our Caldicott Guardian is:

Morgan Jamieson
Medical Director
Yorkhill Division,
Royal Hospital for Sick Children,
Glasgow, G3 8SJ

Tel	0141-201-0515
E-Mail	morgan.jamieson@yorkhill.scot.nhs.uk
Fax	0141-201-0776

19. Under the Data Protection Act 1998 you are also entitled, subject to some restrictions and requirements, to access your clinical records or any other personal information held about you and you can contact the following to do this.

Clinical Records

Initially ask the doctor or other healthcare professional responsible for your care. If they do not respond adequately to your request, or you are not currently being seen, please contact the person named below for the Division where you received care.

- (i) **Greater Glasgow NHS Board:**

Dr Harry Burns
Director of Public Health
Dalian House, 350 St Vincent Street,
Glasgow G3 8YZ

Tel	0141-201-4623
E-Mail	harry.burns@gghb.scot.nhs.uk
Fax	0141-201-4601

(ii) **Primary Care Division:**

Dominic Dick
Medical Records Officer (Mental Health)
Leverndale Hospital
510 Crookston Road
Glasgow G53 7TU

Tel 0141-211-6454
E-Mail dominic.dick@glacomen.scot.nhs.uk
Fax 0141-211-6636

Mary Thornton
Medical Records Officer (Primary Care)
Clutha House
120 Cornwall Street
Glasgow G41 1AF

Tel 0141-427-8237
E-Mail mary.thornton@glacoment.scot.nhs.uk
Fax 0141-419-9914

(iii) **North Glasgow University Hospitals Division:**

Mary Jack
**Sector Health Records Manager
(North & West)**
Western Infirmary
Dumbarton Road
Glasgow G116NT

Tel 0141-211-2385
Email mary.jack@northglasgow.scot.nhs.uk
Fax 0141-211-2277

Joan Morrison
Sector Health Records Manager (East)
Glasgow Royal Infirmary
84 Castle Street
Glasgow G4 0SF

Tel 0141-211-4697
Email joan.morrison@northglasgow.scot.nhs.uk
Fax 0141-211-4700

(iv) **South Glasgow University Hospitals Division:**

Val Greenlees
Health Records Manager
Health Records Department
Southern General Hospital,
1345 Govan Road,
Glasgow G52 4TF

Tel 0141-201-1423
E-Mail v.greenlees@sgh.scot.nhs.uk
Fax 0141-201-1174

June Gillen
Medical Records Manager
Victoria Infirmary,
Langside Road,
Glasgow G42 9TY

Tel 0141-201-5177
E-Mail june.gillen@gvic.scot.nhs.uk
Fax 0141-201-5096

(v) Yorkhill Division:

Morgan Jamieson
Medical Director
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Glasgow G3 8SJ

Tel 0141-201-0515
E-Mail morgan.jamieson@yorkhill.scot.nhs.uk
Fax 0141-201-0776

Marilyn Horne
Medical Records Manager
Yorkhill Division,
Royal Hospital for Sick Children,
Glasgow G3 8SJ

Tel 0141-201-0040
E-Mail marilyn.horne@yorkhill.scot.nhs.uk
Fax 0141-201-0112

Personal Information

(i) Greater Glasgow NHS Board:

John C Hamilton
Head of Board Administration
Dalian House, 350 St Vincent Street,
Glasgow G3 8YZ

Tel 0141-201-4608
E-Mail john.hamilton@gghb.scot.nhs.uk
Fax 0141-201-4601

(ii) Primary Care Division:

Janette Findlay
Data Protection Officer
Primary Care Division,
Divisional Headquarters
Gartnavel Royal Hospital,
1055 Great Western Road,
Glasgow G12 0XH

Tel 0141-211-0275
E-Mail janette.findlay@gartnavel.gla.comen.scot.nhs.uk
Fax 0141-211-3962

(iii) North Glasgow University Hospitals Division:

Isobel Brown
Information Security Officer
Health Information Office, Western Infirmary,
Church Street,
Glasgow, G11 6NT

Tel 0141-211-1790
E-Mail isobel.brown@northglasgow.scot.nhs.uk
Fax 0141-211-1971

(iv) South Glasgow University Hospitals Division:

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1345 Govan Road,
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(v) Yorkhill Division:

John Marshall
Planning Manager
Yorkhill Division,
Royal Hospital for Sick Children,
Glasgow, G3 8SJ

Tel 0141-201-0476
E-Mail john.marshall@yorkhill.scot.nhs.uk
Fax 0141-201-0776

- **Environmental Information**

20. New Environmental Information Regulations are also likely to be introduced from 2005. These will enable similar access to environmental information, as under the FOI Act.

PART TWO: THE CLASSES OF INFORMATION

21. The information is grouped into broad classes as follows:

- (a) The NHS: Who We Are
- (b) Corporate Information/Governance
- (c) Financial Information
- (d) The Policy Framework for NHS Greater Glasgow
- (e) Improvement, Change and Innovation
- (f) Reports of Independent Assessments
- (g) Patient Focus/Public Involvement
- (h) Policies and Procedures
- (i) Complaints Procedures
- (j) Staff Governance
- (k) Press Releases
- (l) Public Health
- (m) Environmental Information

22. Information within each Class will be available via the web site and/or as hard copies or other media. Information which is available via our web site may be removed after a period of 2 years. We will provide information in alternative formats on request to comply with the Disability Discrimination Act 1995.

Online: most of the information listed in our publication scheme is available from our website: www.nhsgg.org.uk.

By e-mail: if the information you request is not available on this website, but is listed in our Publication Scheme, we will send it to you by e-mail, wherever practicable.

By phone: information can be requested over the telephone. Please provide full contact details, including a telephone number, so that we can telephone to clarify any details, if necessary. Our contact telephone numbers are shown in paragraph 13 of this Publication Scheme.

By post: most information is also available in a paper copy form. Please address your request to the appropriate persons named in paragraph 13 of this Publication Scheme. When requesting information, please include the following details: your name and address and telephone number, the information or documents you want to see and any fee applicable (see paragraph 23).

Personal visits: for some classes of information, you will need to make an appointment to view the information. Please contact, in the first instance, the appropriate persons named in paragraph 13 of this Publication Scheme.

If you have difficulty determining the information you want to see, please contact the appropriate persons named in paragraph 13 of this Publication Scheme.

- **Charging Policy**

23. We will not charge for access to information available online or if it is sent to you by e-mail, floppy disk or CD. However, if printed copy is requested, this will be charged at 10p per page of copy. No charge will be levied for the provision of any promotional and advisory leaflets and related material unless they are published for sale, in which case the cover price will be indicated to you. On receipt of requests where a charge is to be levied, you will be advised of the total charge which will require to be paid prior to delivery of your requested information. This may include postage. The persons named in paragraph 13 have the discretion to waive any charge.

- **Exemptions and Non-Disclosure of Information**

24. We are committed to an open and transparent delivery of service whenever possible and it is our intention to publish information in our Publication Scheme that is in the public interest. We are committed to the communities we serve, delivering high quality health services and improving health. We are conscious of the need to protect the physical and mental health of the individual and it must be recognised that certain information will not be disclosed, both in the public interest and based on various exemptions under the Freedom of Information (Scotland) Act 2002.
25. Our aim is to be as open as possible. However, information may be withheld from any of the classes of information listed below, where we consider that disclosure may seriously prejudice legal proceedings or our regulatory or enforcement activities, or where disclosure is otherwise prohibited by law. We may also withhold information which may seriously prejudice the commercial interests of any person or organisation and we will withhold information which is personal information under the Data Protection Act 1998.
26. We will, when appropriate, apply reasonable consideration to the exemptions afforded under the public interest test and absolute exemptions outlined in Section 2 of the FOI Act and aim to disclose information wherever possible.
27. In these cases, where we withhold the information we will indicate the reasons for doing so. If you wish to complain about our decision to withhold information, please contact the appropriate persons named in paragraph 13 of this Publication Scheme. If an exemption is claimed for a particular part of a document, access may still be given to the section(s) of the document not subject to exemption. Even if information is considered exempt under the Publication Scheme, requests for this information can be made after 1 January 2005.

Set out below is a summary description of what each of the classes will contain. The detailed information will be included in the final document.

Class (a) – The NHS: Who We Are

28. The information in this Class will be more detailed than that set out in paragraph 3 of this Publication Scheme (PS). This Class contains detailed information on the structure, organisation and responsibilities of NHS Greater Glasgow.

For example: organisation charts and diagrams; information on Board members and senior staff.

What information do we publish?	How do we make this information available?
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Class (b) – Corporate Information/Governance

29. This Class contains information on the corporate governance of NHS Greater Glasgow and on the overall performance of the Board.

For example: Minutes of Board meetings and agenda papers submitted to Board meetings; Board Members Register of Interests; the NHS Greater Glasgow Annual Report; the letter from the Scottish Executive on the annual Accountability Review

What information do we publish?	How do we make this information available?
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Class (c) – Financial Information

30. This Class contains information on the finances of NHS Greater Glasgow.

For example: annual audited accounts; external Auditors letter.

What information do we publish?	How do we make this information available?
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Class (d) - The Policy Framework for NHS Greater Glasgow

31. This Class contains information on the policies of NHS Greater Glasgow and on the services provided, the standards/targets to be maintained and key performance indicators and certain information related to the costs of, and investment in, these services.

For example: Local Health Plans; approved Strategic Plans with local partners; service development/re-configuration plans and strategies; promotional/informational/advisory leaflets/brochures/pamphlets etc on the provision of services.

What information do we publish?	How do we make this information available?
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Class (e) - Improvement, Change and Innovation

32. This Class contains information on NHS Greater Glasgow plans for changes to and innovations in the delivery of services.

For example: NHS Change and Innovation Plans.

What information do we publish?	How do we make this information available?
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Class (f) - Reports of Independent Assessments on NHS Greater Glasgow

33. This Class contains information on reports of independent assessments of NHS Greater Glasgow.

For example: reports by NHS Quality Improvement Scotland; Audit Scotland reports; reports by one or more of the Royal Colleges representing the medical profession.

What information do we publish?	How do we make this information available?
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Class (g) – Patient Focus/Public Involvement

34. This Class contains information on consultation procedures, timescales and how you can become involved. It also contains consultation documents/publications and details of the public responses to consultation.

For example: public consultation reports and publications, public responses to consultations.

What information do we publish?	How do we make this information available?
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Class (h) – Policies and Procedures

35. This Class contains information on the policies and procedures of NHS Greater Glasgow which are primarily, but not exclusively, focussed on the internal service delivery functions of the Board.

For example: health and safety policy; fire safety policy; infection control policy; and procurement policy.

What information do we publish?	How do we make this information available?
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Class (i) – Complaints Procedures

36. This Class contains information on the complaints procedures for NHS Greater Glasgow.

For example: complaints procedures; Ombudsman reports.

What information do we publish?

How do we make this information available?

Class (j) – Staff Governance

37. This Class contains information on the employment policies and procedures of NHS Greater Glasgow.

For example: annual Staff Survey results; Equal Opportunities; Bullying and Harassment; Declaration of Interests/Acceptance of Hospitality; Absence Management.

What information do we publish?

How do we make this information available?

Class (k) – Press Releases

38. This Class contains information on our communications with the press and media.

For example: press releases and press statements.

What information do we publish?

How do we make this information available?

Class (l) – Public Health

39. This Class contains information on the health of the population we serve.

For example: Aids Control Act Report; Director of Public Health Annual Report.

What information do we publish?

How do we make this information available?

Class (m) – Environmental Information

40. This Class contains information on the property we own/use and other environmental information.

For example: Register of property vested in the Scottish Ministers on behalf of the Board; information required to be placed in the public domain as a result of the Environmental Information Regulations, and Environmental Enforcement actions and associated information.

What information do we publish?	How do we make this information available?
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- **Copyright**

41. The material available through this Publication Scheme is subject to the NHS Greater Glasgow copyright unless otherwise indicated. Unless expressly indicated on the material to the contrary, it may be reproduced free of charge in any format or medium, provided it is reproduced accurately and not used in a misleading manner. Where any of the copyright items in this Scheme are being re-published or copied to others, you must identify the source of the material and acknowledge the copyright status. Permission to reproduce material does not extend to any material accessed through the Publication Scheme that is the copyright of third parties. You must obtain authorisation to reproduce such material from the copyright holders concerned.

- **Useful Resources**

42. **Websites:**

www.itspublicknowledge.info

(This is the Scottish Information Commissioner's website.)

www.scotland.gov.uk/government/foi

(This is the Scottish Executive's FOI website.)

www.show.scot.nhs.uk

(This is information provided by NHSScotland.)

www.foi.nhs.uk

(This is the NHS (England) Freedom of Information website.)

43. **Publications:**

FOI (Scotland) Act 2002.

Code of Practice under Section 60 of the FOI (Scotland) Act 2002.

Code of Practice under Section 61 of the FOI (Scotland) Act 2002.

Code of Practice on Openness in the NHS in Scotland, 1995

Summary of Exemptions in Freedom of Information (Scotland) Act 2002

Section 25 Absolute	Information otherwise accessible e.g. under other legislation
Section 26 Absolute	Disclosure Prohibited by law e.g. under specific statutes or disclosure would amount to a contempt of Court.
Section 27	Intended for future publication e.g. responses received to a consultation, but generally need to show intention to make available within 12 weeks. Alternatively could apply to incomplete research studies.
Section 28	Is about relations between the administrations (governments) of the UK.
Section 29	Is about the formulation of Scottish Administration (Executive) Policy, Ministerial Communications etc.
Section 30	Prejudice to the effective conduct of public affairs. Generally this relates to advice to Ministers but may have application where there is a genuinely held belief that disclosure could inhibit the free and frank exchange of views for the purpose of deliberation of issues e.g. where preliminary options are being explored prior to public debate.
Section 31	National Security of Defence – May have very limited application e.g. in relation to Emergency Planning functions.
Section 32	International Relations
Section 33	Commercial Interests and the economy – Care is needed in using this exemption as the Information Commissioner has made it clear that he sees limited use of this exemption. It may be necessary to protect on-going negotiations with a contractor and to avoid a competitor obtaining unfair advantage.
Section 34	Investigations by Scottish Public authorities and proceedings out of such investigations – This could cover investigations into potential or actual fraud, matters which are to be the subject of a Fatal Accident Inquiry, disciplinary matters etc.
Section 35	Law Enforcement – This is about instances where disclosure is likely to prejudice substantially the prevention for detection of crime, prosecution of offenders, or a range of matters relating to law enforcement, including regulatory action or matters about ascertaining a person's fitness to carry on a profession.
Section 36 Partially Absolute	Confidentiality – Limited to confidentiality which could be maintained in legal proceedings e.g. lawyer/client relationship or where information is received by us in confidence from another person or organisation and that person or body could take proceedings against us for disclosure.

Section 37 Absolute	Court Records (including a Tribunal exercising a judicial function) – relates in general to our involvement in Court proceeding either as pursuer or defender of an action.
Section 38 Partially Absolute	Personal Information – Most importantly, here the Data Protection Act has precedence over the Freedom of Information Act in relation to personal data. Also covers Census information relating to an identifiable household, which is less than 100 years old.
Section 39	Information the disclosure of which would be likely to endanger the physical or mental health or safety of an individual – unless the Environmental Information Regulations say otherwise.
Section 40	External Audit Functions (but not internal audit).
Section 41	Communications with Her Majesty, the Royal Household or information relating to Honours

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

Complaints Procedure

Introduction

Public bodies subject to the Freedom of Information (Scotland) Act 2002 are required to set up specific procedures to allow an individual¹ who is dissatisfied in any way with a decision taken by the organisation on the provision of information to require internal review of decisions taken.

This note sets out the procedure followed by NHS Greater Glasgow where someone is dissatisfied.

Under the Freedom of Information (Scotland) Act 2002, this procedure is known as a "requirement for review". A requirement for review can arise in a number of circumstances including (but not limited to):-

- (a) where we indicate that we do not hold information, but the individual believes we do; or
- (b) where the individual feels that we have not provided the advice and assistance we should have done; or
- (c) where we have refused to provide information; or
- (d) where we have failed to reply to a request for information; or
- (e) where the individual feels the charge for providing information is higher than it should be.

If the applicant is dissatisfied in anyway he can require us to review the way the request was handled or the decision reached.

Timescale

A requirement for review should be submitted in writing (or other permanent form) within 40 working days of either:-

- the day the individual actually received a response from the authority; or
- the end of the period within which the authority should have replied to a request.

¹ Reference to an individual is to any person or organisation that makes a request for information.

We have the discretion to consider requests for review received beyond this timescale.

Submission of Requirement for Review

Where a response is made to an individual requesting information the response must state the name, designation and contact address and e-mail address of the individual within the organisation to whom any request for review is to be submitted. If no person is named then the request for review may be submitted to:-

<<Name and contact details of designated person within the Board or Division who is responsible for dealing with complaints under Fol. This should be the same person named under paragraph 13 of the Publication Scheme.>>

A brief statement explaining why the individual feels aggrieved at the decision taken by the organisation should accompany any request for review.

Review Procedure

The review procedure is to be accessible, prompt, fair and impartial. It may result in a different decision to that originally taken being made and will be binding on the organisation.

Requests for review have to be processed swiftly within a maximum timescale of 20 working days.

1. The **recipient** of a requirement for review request will:-
 - (a) acknowledge its receipt within 2 working days and confirm that a reply will be sent within 20 working days;
 - (b) on the same day as acknowledging receipt, notify the person who made the original decision that a requirement for review has been received, supply to that individual a copy of any statement in support received from the aggrieved applicant and invite that individual to comment on the decision reached within 3 working days.
2. The **recipient** shall send within 5 working days of his acknowledgement:-
 - (a) the request, together with
 - (b) any response received by the individual who made the original decision to a designated **Non-executive Member of the Board**.
3. The **Non-executive** shall be asked to review the documentation received and (in consultation with such persons as he feels appropriate who were not involved in the original decision) consider the request for review and reach a decision on that request within 5 working days of his receipt of that request.
4. The **Non-executive** shall notify the **recipient** of his decision and the reason for that decision in writing within those 5 working days. Assistance in framing the

response will be provided, if required, by the FOI contacts set out in paragraph 13 of the Publication Scheme.

5. The **recipient** of the request shall then ensure that:-
- (a) the decision is conveyed in writing to the applicant within 3 working days;
 - (b) if the applicant has been unfairly treated, an apology is offered on behalf of the organisation:
 - (c) any remedial action (e.g. provision of information requested where appropriate) is sent to the applicant without delay so as to be received within the 20-day timescale for reviewing the request;
 - (d) the applicant is advised of his right to raise the matter further with the Scottish Information Commissioner if he remains dissatisfied with the decision of the organisation. In advising of this right, the applicant should be given details of the contact address and e-mail address of the Commissioner at:-

Kevin Dunion OBE
Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
ST ANDREWS
Fife KY16 9DS

Tel: 01334 464610
E-Mail: enquiries@itspublicknowledge.info

- (e) procedures are reviewed in consultation with the person with overall responsibility for Freedom of Information within the Board or Division concerned so that the organisation learns from the decisions reached on review.

Assistance to Applicants

Under the spirit of the Freedom of Information (Scotland) Act 2002 the recipient of a request for review should provide assistance, if required, to any applicant who seeks it. He should also ensure that the needs of persons with a disability within the terms of the Disability Discrimination Act 1995 are not unfairly disadvantaged as a consequence of the procedure described above and shall make appropriate adjustments to the procedure where appropriate under the terms of this Act.