



# **Freedom of Information Policy**

## 1. Introduction

The Freedom of Information (Scotland) Act 2002 (“the Act”) imposes a number of obligations on public authorities, including NHS Greater Glasgow and Clyde (NHSGG&C). The Act gives a general right of access to recorded information held by public authorities, subject to certain exemptions.

The Act creates a general statutory right:

- from 1<sup>st</sup> September 2004 to obtain all information covered by NHSGG&C’s Publication Scheme;
- from 1<sup>st</sup> January 2005 to request any information held by NHSGG&C regardless of when it was created, by whom, or the format in which it is now recorded.

This policy sets out the arrangements that NHSGG&C has made to ensure compliance with the Act.

## 2. Policy Statement

NHSGG&C is committed to being open and honest in the conduct of its operations and in complying fully with the Act and the relevant Scottish Ministers Codes of Practice on Freedom of Information.

To this end NHSGG&C will ensure:

- a significant amount of routinely published information about NHSGG&C is made available to the public as a matter of course through its Publication Scheme;
- requests for information not included in the Publication Scheme are processed in accordance with our statutory obligations;
- assistance is provided to applicants seeking information;
- consideration is given to whether or not information is covered by an exemption and should not be released; and
- staff are aware that it is an offence under the Act to alter, deface, block, erase, destroy or conceal a record with the intent of preventing disclosure.

There may be occasions when NHSGG&C will not be able to supply all of the information requested. Information will only be withheld in accordance with the exemptions laid down in the Act.

NHSGG&C will always state the reasons why information has been withheld unless to do so would itself result in the disclosure of exempt information.

### **3. Scope of Policy**

This Policy will apply to all NHSGG&C employees and to Non-Executive Directors.

The Policy will provide a framework within which NHSGG&C will ensure compliance with the requirements under the Act.

The Policy will be supported by more detailed operational procedures and activities connected with the implementation of the Act.

### **4. Complaints**

The Complaints Procedure adopted by the NHS Board on 20 July 2004 will be made publicly available and will be followed in processing any Requests for Review under the Act.

### **5. Responsibilities**

NHSGG&C has a responsibility to make its information available in accordance with the Act.

Managers are responsible for ensuring staff under their direction and control are aware of the policies, procedures and guidance laid down by NHSGG&C and its Divisions and for ensuring that those staff understand and appropriately apply policies, procedures and guidance in carrying out their day to day work

All staff, whether or not they create, receive or maintain information, have responsibilities under the Act. They must ensure that any request for information they may receive is handled in compliance with this Policy and any related guidelines.

Compliance with the Policy is compulsory for all staff employed by NHSGG&C. A member of staff who fails to comply with this Policy may be subject to disciplinary action under the NHSGG&C disciplinary policy.

### **6. Records Management**

NHSGG&C will endeavour to ensure compliance with the Scottish Ministers Code of Practice on Records Management under Section 61 of the Act and will work towards development of a common Records Management Policy.

## **7. NHSGG&C's Publication Scheme**

NHSGG&C's Publication Scheme is available on the web at: <http://www.nhsggc.org.uk/foi> or in a hard copy from any of the persons named in paragraph 13 of the Publication Scheme.

The information included in the classes of the Publication Scheme will be updated at least quarterly and the operation of the Scheme will be subject to review three years following its introduction.

## **8. Personal Information**

In applying the provisions of the Freedom of Information (Scotland) Act 2002, staff should ensure that they do not inappropriately disclose confidential information which may be processed under the Data Protection Act 1998 or the Access to Health Records Act 1990.