

There are 23 exemptions in the Act, some of which are familiar to us under data protection, for example: information need not be released if it would prejudice national security, or law enforcement.

Under FOI, some exemptions apply to a whole category (or class) of information, for example:

- information relating to investigations and proceedings conducted by public authorities;
- court records; and
- trade secrets.

Information covered by these class-based exemptions is always exempt.

**Other exemptions are subject to a prejudice test, for example, where disclosure would, or would be likely to prejudice:**

- the interests of the United Kingdom abroad; or
- the prevention or detection of crime.

Information only becomes exempt if disclosing it would or would be likely to prejudice the activity or interest described in the exemption.

In most cases where information is exempt the public authority must then consider the public interest in providing the information. This public interest test involves considering the circumstances of each particular case and the exemption that covers the information. The information may only be withheld if the public interest in withholding it is greater than the public interest in releasing it.

### Process Of Administration

There are certain formalities, which must be observed when applying to see records under the Act. It may seem a rather complicated process but it is of vital importance to make sure that the records are released correctly and timely.

### Mistakes Or Inaccuracies

If you consider that there are mistakes or inaccuracies in the record you can ask the record holder for a note to be made in the records stating your opinion. It should be understood that in law nothing may be erased from a record but a correction may be added and a copy given to you.

### Complaints On Outcome Of Application

If you feel that you have not been fairly treated and that the holder of the records has not complied with the Act, then you should first complain through the Trust's complaints procedure. If you are still unhappy after this, you have the right to apply to Court if necessary.

	<p>Isle of Wight Healthcare <b>NHS</b> NHS Trust</p>
<p>Access to Information</p>	<p>Information and Application Form</p>
	<p>Access to Information Under the Freedom of Information Act 2000 and Environmental Information Regulations</p>

## ACCESS TO INFORMATION – A GUIDE FOR APPLICANTS

### Application Process

The Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR) allow any member of the public to have direct access to information.

This booklet explains what you can expect, it contains information and a 'pull out' application form. Please read this carefully. Then, if you wish to make an application, complete the form and send it to:

**Information Manager**  
**Information Management**  
**Isle of Wight Healthcare NHS Trust**  
**St Mary's Hospital**  
**NEWPORT**  
**Isle of Wight**  
**PO30 5TG**

**Tel: 01983 534230**  
**Fax: 01983 534893**

If you require any further information or help to complete the form, please contact the Compliance Officer at:

**Compliance Officer**  
**Information Management**  
**Isle of Wight Healthcare NHS Trust**  
**St Mary's Hospital**  
**NEWPORT**  
**Isle of Wight**  
**PO30 5TG**

**Tel: 01983 552078**  
**Fax: 01983 534893**

### Fees

The applicant will be notified of any fee, once the information has been assessed.

When calculating whether answering a request would exceed the appropriate limit (£450), the Trust can take into account the cost involved in the following activities:

- determining whether the information is held,
- locating and retrieving it, and
- extracting the information (including editing).

A fee may be levied for communicating the information to the individual making the request (by means of postage, printing and photocopying).

### Who Is Covered By These Acts

These Acts cover only public authorities. These include Government Departments, local authorities, NHS bodies (such as hospitals, as well as doctors, dentists, pharmacists and opticians), schools, colleges and universities, the Police, the House of Commons and the House of Lords, the Northern Ireland Assembly and the National Assembly for Wales. They also include a long list of other public bodies, ranging from various official advisory and expert committees, to regulators and organisations such as the Post Office, National Gallery and the Parole Board. A list is provided in Schedule 1 of the FOI Act.

### What Rights Do Individuals Have

Individuals already have the right to access their own information held on computer, and in some paper files, under the Data Protection Act 1998. This is known as the 'subject access right'. As far as public bodies are concerned, FOIA and EIR will extend these rights to allow access to all the types of information they hold, whether personal or non-personal. However, some of the information requested need not be provided if one of the exemptions in the Act applies.

Anyone will be able to make a request for information, although the request must be in permanent form (under FOIA). The Acts give applicants two related rights:

- The right to be told whether the information exists
- The right to receive the information (and where possible, in the manner requested, i.e. as a copy or summary, or the applicant may ask to inspect a record)

### Publication Scheme

The Act places a duty on public authorities to adopt and maintain publication schemes, which must be approved by the Information Commissioner. Such schemes must set out the types of information the authority publishes, the form in which the information is published and details of any charges. The Commissioner may also approve model schemes for groups of similar bodies, i.e. schools.

The Information Commissioner will be working with groups of public authorities to develop guidance on what should be included in publication schemes.

### Responding To Requests

In general, public authorities will have to respond to requests within 20 working days. They may charge a fee, which will have to be calculated according to Fees Regulations. If a fee is required, the 20 working days will be extended by up to 3 months until the fee is paid. In cases where information is covered by an exemption, but the authority is then required to consider the public interest in releasing it, the authority must provide the information within a reasonable time.

REQUESTS FOR ACCESS TO INFORMATION	Application Form
	<b>IN CONFIDENCE</b>  Please complete ALL sections of this form in <b>BLOCK CAPITALS AND BLACK INK.</b>  Once completed, detach and send to address stated

## PARTICULARS OF PERSON REQUESTING INFORMATION

<b>SURNAME</b>	
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FORENAME (S)	
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<b>Organisation (if applicable)</b>	

ADDRESS

POSTCODE	
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TELEPHONE NO	
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ANY ADDITIONAL INFORMATION
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**If you require specific Information please specify details below  
e.g. Finance, Estates Management etc.**

[illegible]