

Sanger House
5220 Valiant Court
Gloucester Business Park
Brockworth
Gloucester
GL3 4FE

Tel: 0300 421 1950
Email: glccg.foi@nhs.net

19 January 2015

Ref: FOI 6362 GLO 11M

Dear

Request under the Freedom of Information Act 2000

Thank you for your further request following receipt of the information supplied to you on 13 January 2015, relating to practice managers.

- **Thank you for your prompt reply. Unfortunately the link you have me does not provide the information I asked for. I clicked in Cheltenham rd. surgery - no practice manager details. I clicked on the surgery website - no email address**

So please can you send me the information I asked for

Gloucestershire CCG can confirm that it does hold this information but is exempting it under S.40(2) Freedom of Information Act 2000.

<https://ico.org.uk/media/for-organisations/documents/1213/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf>

The information published on NHS Choices website is supplied by each individual practice, Contact telephone numbers are available as are in most cases the names of each practice manager.

Under section 40(2) of the FOIA there is an exemption from the right to know if disclosure would breach any of the data protection principles as set out in the Data Protection Act 1998. The relevant data protection principle in this situation is the first data protection principle which states the following:

1. Personal data must be processed fairly and lawfully. Relevant considerations for fairness include the following:
 - Possible consequences of disclosure. Emails will be released that practices may not themselves have chosen to release on NHS Choices or on their own websites. The staff in question are not are not employees of the CCG and have not given their consent to releasing their details.
 - Reasonable expectations of data subjects and circumstances of its obtaining. The practice managers would not expect us to release their information when they themselves have not done so.
 - FOI principles of transparency and accountability would support disclosure
 - Any legitimate interests in the public having access to the information. Individuals may have legitimate interests for example for wanting to distribute information to practice managers.

Overall we consider it would be unfair to release the information.

2. For information to be disclosed at least one of the 'data protection conditions' in schedule two of the Data Protection Act 1998 must be met. The relevant condition in this situation is the sixth condition which states that processing is necessary for the purposes of legitimate interests of the data controller or person to whom the data are disclosed except where processing is unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of the data subject. This creates a three part test:
 - Is there a legitimate public interest ?
 - Is disclosure necessary to meet it ?
 - Will disclosure cause unwarranted harm to the interests of the individuals ?

The practices have provided contact details they feel appropriate (i.e. in most cases phone numbers), and therefore it is not in the public interest to disclose further contact details.

Section 40(2)

Under section 40(2) of the FOIA there is an exemption from the right to know if disclosure would breach any of the data protection principles as set out in the Data Protection Act 1998. The relevant data protection principle in this situation is the first data protection principle which states the following:

3. Personal data must be processed fairly and lawfully. Relevant considerations for fairness include the following:

- Reasonable expectations of data subjects and circumstances of its obtaining. The practice managers would not expect us to release their information when they themselves have not done so. The staff in question are not are not employees of the CCG and have not given their consent to releasing their details.
- FOI principles of transparency and accountability would support disclosure
- Any legitimate interests in the public having access to the information. Individuals may have legitimate interests for example for wanting to distribute information to practice managers.

Overall we consider it would be unfair to release the information.

4. For information to be disclosed at least one of the 'data protection conditions' in schedule two of the Data Protection Act 1998 must be met. The relevant condition in this situation is the sixth condition which states that processing is necessary for the purposes of legitimate interests of the data controller or person to whom the data are disclosed except where processing is unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of the data subject. This creates a three part test:

- Is there a legitimate public interest ?
- Is disclosure necessary to meet it ?
- Will disclosure cause unwarranted harm to the interests of the individuals ?

The factors discussed above will be relevant here. These members of staff are not employees of the CCG and therefore we do not have their consent to release this detail. Contact details for each surgery are available on the NHS Choices site.

We therefore consider that this information should not be released under Section 40(2) of the FOIA.

You are advised that this information is provided in accordance with the Freedom of Information Act 2000 and is for your personal use. Any re-use of this information will be subject to the Re-Use of Public Sector Information Regulations (1 July 2005) and authorization from the CCG will be required. In the event of any re-use, the information must be reproduced accurately and not used in a misleading manner.

If you are not satisfied with the way in which we have dealt with your request for information, then in accordance with the Act you may ask us to conduct a review of our decision. In which case you should contact me at the above address.

If you remain unhappy with the decision after review you should contact:-

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely



Alan Bonfield
Head of IG & FoI
Central Southern CSU
On behalf of Gloucestershire Clinical Commissioning Group