

NHS Thames Valley Integrated Care Board

Freedom of Information Policy

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Target Audience	All staff have a duty to read and work within current policies. All staff should know where policies are stored and how to gain access to them

Version Control

Version	Details of Change(s)	Reason for Change	Author & Job title	Date
0.1	To align across both TV/CSU	Joint Policy with SCWCSU	BOB Governance Manager	July 2022
0.2	Aligned to TV ICB	Following In-housing of FOI Function	BOB, Governance Manager	July 2024
1.0	Updated version	Initial draft- Combining BOB and Frimley Policies	CSU IG	March 2026

Links or Overlaps with Other Key Documents and Policies

Document Title	Version and Issue Date	Link
Records Management Policy	1.0	Hosted on staff intranet.

Acknowledgement of External Sources

Title / Author	Institution	Link
	Information Commissioner's Office (ICO)	Information Commissioner's Office (ICO)

Freedom of Information

If requested, this document may be made available to the public and persons outside the healthcare community as part of ICB's commitment to transparency and compliance with the Freedom of Information Act.

Equality Analysis

ICB aims to design and implement services, policies and measures that are fair and equitable. As part of the development of this policy its impact on staff, patients and the public have been reviewed in line with ICB's legal equity duties.

Equality Statement

NHS Thames Valley Integrated Care Board (ICB) aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

Throughout the development of the policies and processes cited in this document, the ICB has:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who have shared a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it;
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from, healthcare services and in securing that services are provided in an integrated way where this might reduce health inequalities.

Members of staff, volunteers or members of the public may request assistance with this policy if they have needs. If the member of staff has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

The ICB embraces the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

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1. Introduction and Purpose

This policy explains the principles which underpin the commitment of the NHS Thames Valley Integrated Care Board (TV ICB) to openness and transparency in the decisions which we make about the provision of health care to the local community.

It sets out our commitment to the full implementation of the Freedom of Information Act.

It acknowledges the TV ICB at the same time, and in conjunction with this Policy, adopts and manages equivalent procedures for the provision of Environmental Information under the Environmental Information Regulations.

The TV ICB recognises the general right of access to information.

In accordance with the TV ICBs Equality and Diversity Policies it is important for all members of staff to remember that applicants may be unable to write to the ICB as they may not have English as their first language or may suffer from disabilities which make it difficult for them to express their complaint in writing. Members of ICB staff will offer assistance and support to all applicants who request it.

This policy applies to all TV ICB staff.

2. Scope

Within the context of the Freedom of Information Act (FOIA), “information” means every piece of information held by TV ICB, whether paper or electronic. It includes all draft documents, agendas, minutes, emails, and handwritten notes. There is an interface between FOIA and the Data Protection Act (DPA), regarding information about living individuals, and therefore staff are also required to consult these policies.

The Act applies to information held by the TV ICB; this could include information created by other organisations, such as providers, contractors, etc.

The FOIA makes it an offence to alter, deface, block, erase, destroy or conceal any information held by the TV ICB with the intention of preventing disclosure to all or part of it.

Penalties can be imposed on both the TV ICB and employees for non-compliance under FOIA.

This policy applies to all staff employed by or working on behalf of the TV ICB.

The policy will underpin any operational procedures and activities connected with the implementation of the legislation and provide a framework within which the organisation will ensure compliance with requirements of the legislation.

The Policy provides a framework within which TV ICB will ensure compliance with the requirements of the Act.

The Policy is applicable to all the activities which TV ICB conducts with other public bodies including other NHS organisations, partnership bodies as well as voluntary organisations and commercial suppliers of goods and services.

All staff are responsible to the Accountable Officer for their compliance with the policy, for ensuring the adoption of appropriate procedures in managing a request for information and for monitoring the effectiveness of those procedures and the implementation of this policy.

All individual employees responsible for responding to requests for information need to be aware of the responsibilities of TV ICB under the Act and, in particular, the continuing duty to advise and assist any member of the public.

Freedom of Information should be adequately reflected in all relevant strategies, policies, and procurement exercises.

3. Roles and Responsibilities

3.1 The Commissioning and Population Health Committee

It is the role of the Commissioning and Population Health Committee to define the TV ICBs policy in respect of Freedom of Information, taking into account legal and NHS requirements. The Committee is also responsible for ensuring that sufficient resources are provided to support the requirements of the policy.

3.2 Accountable Officer

The Accountable Officer of TV ICB has overall accountability and responsibility for Freedom of Information within the organisation and setting a culture of openness, transparency, and compliance with the Act.

3.3 Senior Information Risk Owner

The Senior Information Risk Owner (SIRO) is an Executive Director and attendee at Board. The SIRO provides guidance when a Freedom of Information Act request raises issues of information risk.

3.4 Caldicott Guardian

The Caldicott Guardian will guide the ICB on matters of confidentiality relating to patient information and acts as a “conscience” on its use.

3.5 Managerial Accountability and Responsibility

All line managers should ensure their staff are aware of the obligations of TV ICB under the FOIA and related legislation, of the rights of individuals making requests

under the FOIA and of the process for dealing with requests under the FOIA. Managers are responsible for ensuring that policy and its supporting standards and guidelines are built into local processes and that there is on-going compliance. This compliance will be regularly audited.

- **FOI Lead:** has overall responsibility for management of the FOI Function within TV ICB
- **FOI Support Officer:** day to day responsibility for management and handling of all requests made to TV ICB customers under the FOIA. The Governance FOI Support Officer is responsible for identifying and applying all potential exemptions, internal reviews, and ICO Complaints and correspondence. The Governance FOI Support Officer provides TV ICB with all reporting information and advice on the Model Publication Scheme and Disclosure Logs.

3.6 Individual Responsibility

By law, all TV ICB staff are responsible for any requests they receive. All staff, whether permanent, temporary, or contracted, are responsible for ensuring that they are aware of the requirements incumbent on them and for ensuring they comply with these on a day-to-day basis.

All staff are responsible for:

- Creating and maintaining records, which are accurate, appropriate, and retrievable.
- Ensuring that requests for information and possible re-use are passed in a timely manner to the FOI Team for processing.
- Ensuring that disclosures to formal FOIA requests are not made outside the defined processes, so that inappropriate disclosures are avoided.
- Ensuring that documents relevant to or required by the ICB publication scheme are provided for publication.
- Alerting their line manager, should they feel they need additional training or guidance

Failure to comply with this policy may result in disciplinary action.

4. Procedures

4.1 Principles

The TV ICB will use all appropriate and necessary means to ensure that it complies with the Freedom of Information Act.

The TV ICB will deploy appropriate systems and procedures to ensure that the organisation complies with its duty to confirm or deny and to provide requested information within 20 working days or within a reasonable period where a public

interest test must be considered. All staff and directors will be required to comply with the requirements and failure to do so may result in disciplinary action.

The TV ICB will implement and resource a Records Management Policy with retention schedule in line with NHSE Guidelines so that requests for information can be handled efficiently and effectively.

The TV ICB will ensure that all staff receive appropriate guidance on the staff process for handling requests. Guidance for staff is set out in:

‘Staff Procedure for Handling Freedom of Information Enquiries’ (Appendix C)

The TV ICB will ensure that its FOI publication scheme is periodically reviewed and updated.

The TV ICB will not agree to hold information received from third parties “in confidence” which is not confidential in nature. Acceptance of any confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

The TV ICB will ensure that exemptions are applied appropriately, consistently and a refusal notice will be issued detailing why the exemption applies (see Appendix B).

The TV ICB will advise and assist requesters, as set out within the Act.

The TV ICB Freedom of Information Lead will ensure that guidance in relation to the Act is available to all staff.

The TV ICB will ensure that awareness raising material is made available to all staff.

The TV ICB will monitor the effectiveness of its compliance with the FOIA and its performance and implementation of this policy.

The TV ICB will adopt similar standards and policies in relation to the implementation of the Environmental Information Regulations.

4.2 Publication Scheme

Section 19 of the FOIA makes it a duty for every public authority to adopt and maintain a scheme relating to the publication of information by that authority, which is approved by the Information Commissioner.

The TV ICB uses the approved model issued by the Information Commissioners Officer (ICO) in January 2009. The FOI Publication Scheme describes the information held by the TV ICB, which is routinely made available to the public, with details of where to find it.

You should not need to make a specific FOI request to access this material. The Outline for this scheme can be found in Appendix A.

4.3 Requests for Information within the Publication Scheme

If a request is received for information that is covered by the scope of the publication scheme, the requester will be directed to download the information from the TVICB website.

4.4 Request to re-use information provided

Information that the TV ICB publishes as part of its publication scheme and website will be the list of information available for re-use. Any published document can be re-used without charge, provided the TV ICB is credited as the source and retains copyright where appropriate.

4.5 Request to re-use information provided

Any TV ICB member of staff receiving an FOI request must forward them to the FOI Officer, so that they may be logged and processed.

A Request for Information (Rfi) must meet the following criteria:

- Be in writing – such as emails, letters, etc
- Contains a name and address for correspondence – including email
- Has sufficient detail to enable the TV ICB to identify the information requested
- Is a request for information that is not already part of the TV ICB publication scheme

Once the request that fulfils the above criteria is received, the ICB has a maximum of 20 working days to respond.

There is no provision for extending the 20-working day limit, unless consideration needs to be given to a Public Interest Test, where extra time is permissible.

The TV ICB has a duty to “advise and assist” under the Act and must take reasonable steps to help a requester appropriately compile a request that meets the criteria. The timing for response does not begin until sufficient detail has been received to consider a response.

Any communications to clarify a request will be undertaken without necessary delay.

All requests that have not expressly asked for the information to be re-used will have a clause in place, stating that permission must be sought before the information may be re-used.

Requests for re-use must be authorised by a Director of the TV ICB, taking advice from Communications and Information Governance professionals, as appropriate.

4.6 Cost of Compliance

The Freedom of Information Act recognises that FOI requests are not the only demand on resources and should not be allowed to cause a drain on time, energy, and finances to the extent that they negatively affect your normal functions.

Currently, the cost limit for complying with a request or a linked series of requests from the same person or group is set at £450.

The TV ICB can refuse a request if the estimate of the cost of compliance would exceed this limit. This provision is found at [Section 12 of the Act](#).

The TV ICB can refuse a request if deciding whether the organisation holds the information would mean that the cost limit would be exceeded, for example, because it would require an extensive search in a number of locations.

Otherwise, it should be stated that the information is held, even if we cannot provide the information itself under the cost ceiling.

When calculating the costs of complying, the costs can be aggregated of all related requests received within 60 days from the same person or from people who seem to be working together.

The TV ICB is only required to estimate whether the limit would be exceeded. However, the estimate must be reasonable and must follow the rules in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.

When estimating the cost of compliance, the TV ICB can only take into account the cost of the following activities:

- determining whether you hold the information
- finding the requested information, or records containing the information
- retrieving the information or records; and
- extracting the requested information from records

The biggest cost is likely to be staff time. Staff time can be costed at £25 per person per hour, regardless of who does the work, including external contractors. This means a limit of 18 staff hours.

The TV ICB cannot take into account the time needed to decide whether exemptions apply, to redact exempt information, or to carry out the public interest test.

However, if the cost and resources required to review and remove any exempt information are likely to be so great as to place the organisation under a grossly obsessive burden then we may be able to consider the request under [Section 14 of the Act](#) instead. (Vexatious requests – see below).

If the TV ICB wishes to use section 12 (cost limit) of the Act as grounds for refusing the request, the requester should be sent a written refusal notice.

This should state that complying with their request would exceed the appropriate cost limit. However, the TV ICB should still say whether we hold the information, unless finding this out would in itself incur costs over the limit.

4.7 Vexatious Requests

Should an applicant make vexatious or repeated requests for identical or substantially similar information, the TV ICB will inform the applicant in writing, stating that they will not be fulfilling the request and outlining why they consider the request to be vexatious. They will also advise the applicant of how to proceed if they are not satisfied with the response.

Guidance is available on the Information Commissioners website ([Vexatious and repeated requests | ICO](#)) on how to decide whether an applicant's requests may be considered vexatious.

4.8 Applying an Exemption

Whilst a response is being compiled, if there is a concern raised about release, then consideration should be given to if an exemption may apply.

The Act details 23 legally complex [exemptions](#). These are separated into "absolute" and "qualified".

An absolute exemption applies in all cases and is not subject to a public interest test.

If the exemption is "absolute" then the response should be completed within the usual 20 working day limit.

A qualified exemption is subject to a public interest test, which determines whether the public interest is best served by applying an exemption or disclosing the information.

When a Public Interest Test is being applied, the response time should be "paused" and the requester should be informed that a public interest test is being undertaken.

Public Interest Tests must be conducted objectively, and it is not sufficient to merely state that the public interest is best served by an exemption. Should the requester challenge the exemption, the TV ICB would be required to demonstrate that both sides of the argument had been sufficiently explored and that those with relevant experience, skills and knowledge had engaged with the Public Interest Test. Therefore, the discussions around disclosure v non-disclosure and where the interests of the public are best served should be documented.

The response will usually detail why the TV ICB believes that an exemption applies, and which exemption is being used.

A full list of exemptions is attached in Appendix B.

4.9 Requests from the Media

Requests under the Freedom of Information Act are both motive and applicant blind. However, it may be appropriate for TV ICB Communications Lead to be informed of requests from the media and TV ICB may wish to consider handling them as a media request.

Requests that are likely to be of media interest should also be copied to the TV ICB Communications Lead, in order that the TV ICB can consider any response they may wish to make.

This does not alter the requester's rights under the Act.

4.10 Requests for internal review and complaints process

The FOIA response to the requester will detail what steps the requester can take if they are unhappy with the response received by TV ICB. The steps to resolve a complaint are:

1. Request for internal review to TV ICB.
2. Complaint to the Information Commissioner.

Both routes will be identified in all responses.

If the requester asks for an internal review, then the following aspects will be considered:

- How the request was handled – including meeting timescales.
- Whether the response addressed key aspects of the Act – including advising the requester whether the information was held.
- Whether any exemption has been applied appropriately.

The composition of the review team will include:

- A senior member of TV ICB executive, ideally a director.
- A subject matter expert well versed in the information requested, ideally not the person originally responsible for responding, although this may be unavoidable.
- The TV ICB FOI lead
- A member of the Information Governance Team (if required).

The outcome of the review will be prepared within 40 days of the original request for review.

If the outcome of the review is to release previously withheld information, then ideally this should be sent with the review, or no longer than 20 days after the completion of the review.

Should the TV ICB receive any notices served by the Information Commissioner it will endeavour to comply unless it feels the need to appeal to the Information Tribunal.

4.11 Information provided by other organisations

The Freedom of Information Act covers information held by TV ICB. The ICB would generally have to disclose the information requested; however, it may be appropriate to advise the originator of the information that it will be released.

If the information is known to be available more readily from another source, i.e., a website, it may be appropriate to advise the requester of this.

Guidance should be sought from the Senior Officer for Governance if TV ICB believes that the release of information may impact on a third party.

4.12 Contracts with other organisations

All operational contracts TV ICB has must have a clause detailing that information may be disclosed under the terms of FOIA.

TV ICB will give consideration to FOIA during procurement processes and ensure that those who wish to tender understand that information may be disclosed under the Act.

4.13 Environmental regulations

Many similarities exist between the FOIA and the Environmental Information Regulations (EIR) 2000. The EIR relates to any information that TV ICB holds around our impact on the environment – this includes impact on any of the elements (air, water, etc), substances released into the environment, planning policies and plans that may impact the environment and any impact on humans.

The main difference between FOIA and EIR is that requests for EIR do not have to be in writing and may be made verbally.

TV ICB will handle EIR requests within the FOIA process.

Should TV ICB receive an EIR request then specialist advice will be sought from the Governance Team IG Lead.

4.14 Distribution

This policy will be available to all TV ICB staff via TV ICBs intranet. Copies will also be available from the TV ICB FOI Lead.

4.15 Training

Managers are responsible for ensuring all staff undertake mandatory awareness training. Managers shall promote a culture that supports transparency and openness as set out within the FOIA.

5. Monitoring and Review

The FOI Lead will maintain records and give an annual report to the Commissioning and Population Health Committee.

Performance under this policy will be measured quarterly.

This policy will be reviewed bi-annually, and amendments made to meet TV ICB objectives to achieve compliance.

5.1 Related policies and procedures

This policy should be read in conjunction with:
Records Management Policy
Data Protection & Confidentiality Policy

Related Guidance:

[Records Management Code of Practice](#)

[A Guide to Confidentiality in Health and Social Care - NHS England Digital](#)

References

[Freedom of Information Act 2000 \(legislation.gov.uk\)](#) [ICO: Environmental Information Regulations 2000](#)

[NHS Eight](#) Caldicott Principles

Information Commissioners Office – www.ico.gov.uk

6. APPENDIX A: Publication Scheme

Classes of Information

1 – Who we are and what we do.

From 1 April 2026, the new Thames Valley (TV) Integrated Care Board (ICB) gained the commissioning responsibilities for the four localities i.e Buckinghamshire, Oxfordshire, Berkshire West and Frimley. An ICB is a statutory NHS organisation that decides how to spend the NHS budget and plans how to improve people's health, deliver high-quality care, and get better value for money.

The TV ICB will design and implement services, policies and measures that meet the diverse needs of our service, population, and workforce, ensuring that none are placed at a disadvantage over others.

The ICB embraces the four staff pledges in the NHS Constitution. This policy is consistent with these pledges. The TV ICB will use its resources and powers to achieve demonstrable progress on these aims, collaborating to tackle challenges including:

- Improving the health of children and young people
- Supporting people to stay well and independent
- Acting sooner to help those with preventable conditions
- Supporting those with long-term conditions or mental health issues
- Caring for those with multiple needs as populations age
- Getting the best from collective resources so people get care as quickly as possible

Further information is available on the Thames Valley ICB Website.

You may also find this further information about clinical commissioning helpful on the Thames Valley ICB Website

Further information on how to make contact with the TV ICB is available here: on the Thames Valley ICB Website.

2– How we make decisions.

Details about membership of the TV ICB Board will be found on the Thames Valley ICB Website.

Dates of Board Meetings being held in public can be found on the Thames Valley ICB Website.

3– Our policies and procedures.

In this section we will add information on how to access current written protocols for delivering our functions and responsibilities on the Thames Valley ICB Website.

4- Lists and Registers.

In this section we will add information on how to access information held in registers required by law and other lists and registers relating to the functions of the authority on the Thames Valley ICB Website.

5– The Services we Offer.

In this section we will add information on how to access information about the NHS services available in the ICB area can be found on the Thames Valley ICB Website.

6 – Written Requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act. Details of how to make such a request can be found on the Thames Valley ICB Website.

7. APPENDIX B: Freedom of Information Act Exemptions

There are two types of class exemption:

- (a) Absolute, which do not require a test of prejudice or the balance of public interest to be in favour of non-disclosure.
- (b) Qualified by the public interest test, which require the public body to decide whether any public interest in disclosure is outweighed by the public interest in non-disclosure.

Some Qualified exemptions are also prejudice based, in order to engage the exemption, there must be a likelihood that disclosure would cause prejudice to the interest that the exemption protects.

With the exception of S21 (information available by other means) qualified exemptions require organisations to consider whether it is in the public interest not to disclose information.

The absolute exemptions under the Act are:

- Section 21 – information already reasonably accessible
- Section 22 – information intended for future publication
- Section 22A – research information
- Sections 23 and 24 – security bodies and national security
- Sections 26 to 29
- Sections 30 and 31 – investigations and prejudice to law enforcement
- Section 32 – court records
- Section 33 – prejudice to audit functions
- Section 34 – parliamentary privilege
- Sections 35 and 36 – government policy and prejudice to the effective conduct of public affairs
- Section 37 – communications with the royal family and the granting of honours
- Section 38 – endangering health and safety
- Section 39 – environmental information
- Section 40(1) – personal information of the requester
- Section 40(2) – Personal information
- Section 41 – confidentiality
- Section 42 – legal professional privilege
- Section 43 – trade secrets and prejudice to commercial interests
- Section 44 – prohibitions on disclosure

8. APPENDIX C: Procedure following receipt of an enquiry (FOIA 2000)

Summary of Key Actions and Timescales

Timescale	Action	ICB FOI Team Actions
Note: the 20-working day clock starts the day the enquiry is received		
Day 1	Request received into the ICBs FOI management portal, email or post.	
Immediately	If received by staff members or alternative mailbox to the ICB IG Team.	
Within 3 working days	Request acknowledged automatically by Infreemation immediately upon receipt. Received outside of 'Infreemation' FOI Team to acknowledge and FOI response deadline provided to applicant.	The FOI Team may: <ul style="list-style-type: none"> Keeps applicant informed of progress if applicable. Provides advice/ assistance if required. Request clarification. Decides if a fee/charge is applicable. Decides if request can be met within applicable limits set in Fees Regulations. Considers if information is exempt. Decides if request is repeated/vexatious
	Request for Information (RfI) with deadline for receipt of response information sent to staff member (Responder) and Director copied into the request e-mail (if appropriate). Where ICB staff member identified as more appropriate to assist with response information, RfI sent directly to staff member (Responder) and Director copied into the request e-mail (if appropriate).	
Within 10 working days	Information located and provided by staff member (Responder) and returned to ICB FOI Team.	The FOI team: <ul style="list-style-type: none"> Will consider the applicant's preferences regarding response format. Will show the PIT to a qualified person where an exemption is qualified. Will provide advice/assistance in the event of the applicant being unable or unwilling to pay the fee/charge. Will write the exemption. Will notify applicant if the request is refused for any other reason.
10th working day	Information not received; a reminder is sent to the appropriate person	
15th working day	1st breach warning sent to appropriate person	
18th working day	Final breach warning sent to appropriate person	
Before the 20th working day	First draft response to be reviewed. Final response sent to for approval	

Timescale	Action	ICB FOI Team Actions
Within 20 working days	Response sent to applicant	
Within 40 working days	If complex public interest test was considered, response sent to enquirer.	
<p>If a request for clarification is made to the enquirer, then the 20-working day clock stops and restarts from the beginning once the information required is received by the ICB.</p>		
<p>If a fee or charge is applicable to the information requested a Fees Notice/notification of a charge will be issued. The 20-working day timescale is suspended until the fee/charge is paid.</p>		
<p>Additional time to respond can be requested from the applicant if the information is difficult to retrieve.</p>		