

18 July 2018

Wellington House 133-155 Waterloo Road London SE1 8UG

T: 020 3747 0000 E: nhsi.enquiries@nhs.net W: improvement.nhs.uk



Dear

# Request under the Freedom of Information Act 2000 (the "FOI Act")

We refer to your email of 21 June 2018 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority have been operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

### Your request

You made the following request:

"Do you have a list of all contacts for Estates & Facilities Managers/personnel with NHS Hospitals in the UK?"

#### **Decision**

NHS Improvement holds some of the information that you have requested.

NHS Improvement has decided to withhold all of the information that it holds on the applicability of section 40, as explained in detail below.

## <u>Section 40 – Personal information</u>

We do not hold a comprehensive list of contacts for all estates and facilities managers and personnel within NHS hospitals. However, we do hold some contact information which falls within the scope of the information you have requested.

We consider these names and direct contact details are exempt from disclosure under section 40(2) of the FOI Act. This is on the grounds that they amount to personal data and the first condition under section 40(3)(a)(i) is satisfied, namely, that disclosure would amount to a breach of the first data protection principle (personal data should be processed fairly and lawfully) as the individuals concerned would have a reasonable expectation that hese particular items of personal information would not be disclosed into the public domain.

Section 40 is an absolute exemption and consideration of the public interest test in disclosure is not required.

Please note that NHS foundation trusts and NHS trusts are subject to the FOI Act and as such it is open to you to seek information directly from them. They will need to consider whether information can properly be provided by them in response to any such requests within the terms of the FOI Act.

You are able to find a list of all NHS trusts and NHS foundation trusts on the link below:

https://www.nhs.uk/servicedirectories/pages/nhstrustlisting.aspx

# **Review rights**

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to <a href="mailto:nhsi.foi@nhs.net">nhsi.foi@nhs.net</a>.

#### **Publication**

Please note that this letter will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,

#### **NHS Improvement**