

30 May 2018

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██████████  
**By email**  
████████████████████

Dear ██████████,

### **Request under the Freedom of Information Act 2000 (the “FOI Act”)**

We refer to your email of 25 May 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:

*“I would like the names, job titles, and email addresses of the senior leadership, councils of governors and board members of all NHS Trusts.”*

### **Decision**

NHS Improvement holds some of the information you have requested and has decided to withhold all of the information that it holds on the applicability of exemptions 21 and 40 as explained in detail below.

#### *Section 21 – Information accessible to applicant via other means*

Section 21 provides an exemption from the right to know if the information requested is reasonably accessible to the applicant through other means. This is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.

NHS trusts publish the names and job titles of their senior leadership staff on their websites. You are able to navigate to each NHS trust’s website via the link provided below:

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

NHS trusts do not have a council of governors as these are only applicable to NHS foundation trusts. We do not hold a comprehensive list of all council of governors in NHS foundation trusts; these queries should be raised directly with each NHS foundation trust.

#### *Section 40 – Personal information*

We consider that the list of individual email addresses is exempt from disclosure under section 40(2) of the FOI Act. This is on the grounds that it amounts 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 their 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.

We note that all NHS trusts publish contact details on their website which usually contains an email address. These are readily accessible to all members of the public via the trusts websites.

#### **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 [nhsi.foi@nhs.net](mailto:nhsi.foi@nhs.net).

#### **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**