

2 August 2023

IC-242625-M6D2

Request

You asked us:

""Could you please provide me with:

- 1. A summary of information held on the key stages and events in the Commissioner's 'investigation', for example, when an investigation was opened, the dates of any key meetings between NHSE and the Commissioner's team, if any process of sharing findings occurred prior to issuing the Practice Recommendation.*
- 2. Any letters and communications sent from the Information Commissioner's Office to NHSE in the course of the Commissioner's investigation*
- 3. A list of the sources used in the course of the Commissioner's investigation, for example: The names of datasets analysed, Key Performance Indicators tracked, the names and roles of staff interviewed (subject to redaction of junior staff's personal information), documentation and policies requested from NHSE*
- 4. If NHSE has completed any module of the FOI Toolkit, copies of its completed forms in excel format*
- 5. A copy of the Practice Recommendation issued to NHS England."*

We received your request on 4 July 2023.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

It is important to state that there was no investigation as such, but rather ongoing regulatory work and stakeholder engagement to understand their current FOI compliance and to identify if there are any issues. Rather than respond to this request as 'no information held', we have provided the information below which we believe will be useful to you.

I have consulted with the relevant areas of the ICO and I can confirm that we hold information in scope of your request. I have explained below the answers to your 5 questions.

1. A summary of information held on the key stages and events in the Commissioner's 'investigation', for example, when an investigation was opened, the dates of any key meetings between NHSE and the Commissioner's team, if any process of sharing findings occurred prior to issuing the Practice Recommendation.

No such summary exists. Under FOIA a public authority is not required to create documents in order to answer questions made under FOIA.

2. Any letters and communications sent from the Information Commissioner's Office to NHSE in the course of the Commissioner's investigation

I have attached the requested correspondence to this email however some of this information has been redacted as it relates to personal data of individuals.

3. A list of the sources used in the course of the Commissioner's investigation, for example: The names of datasets analysed, Key Performance Indicators tracked, the names and roles of staff interviewed (subject to redaction of junior staff's personal information), documentation and policies requested from NHSE

I have consulted with the relevant area of the ICO and I can confirm that we haven't requested documents and policies from NHSE or 'interviewed' NHSE staff. We have however held meetings with NHSE as part of our regular stakeholder engagement to understand their current FOI compliance and any issues. We have referred to internal reports to identify the volume of complaints we have received about NHSE within a specific timescale.

4. If NHSE has completed any module of the FOI Toolkit, copies of its completed forms in excel format

No information held.

5. A copy of the Practice Recommendation issued to NHS England."

This is available on our website, however it has also been included in the attachment containing the correspondence with NHSE.

This concludes our response.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA and EIR. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely

Senior Information Access Officer



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