

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 8 November 2024

**Public Authority:** NHS England  
**Address:** Quarry House  
Quarry Hill  
Leeds  
LS2 7UE

#### **Decision (including any steps ordered)**

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1. The complainant has requested names, job titles and contact information of various senior individuals. The above public authority ("the public authority") provided names and job titles, but relied on section 40(2) of FOIA to withhold the contact information.
2. The Commissioner's decision is that the public authority has correctly relied upon section 40(2) of FOIA to withhold the contact information.
3. The Commissioner does not require further steps to be taken.

#### **Request and response**

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4. On 15 May 2024, the complainant wrote to the public authority and requested information in the following terms:  
  
"1) Please can I ask for the names of the regional Heads of NHS Continuing Healthcare at NHS England. These will be the people who sign off the Independent Review Panel decisions about individual cases.  
2) Please can I also ask for their work phone numbers, email and addresses and, if possible a list of the ICBs they are responsible for."
5. The public authority responded on 12 June 2024. It provided the names and job titles of the individuals concerned, as well as the Integrated Care Boards (ICBs) that they are responsible for. However, it withheld their contact details and relied on section 40(2) of FOIA in order to do so. It upheld its stance following an internal review.

## Reasons for decision

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6. Section 40(2) of FOIA allows a public authority to withhold information if there would be no lawful basis, under data protection legislation, for publishing that information.
7. Given the wording of the request, the Commissioner considers that it only covers named email addresses – as opposed to a generic inbox managed by an individual's private office. As such, the emails themselves will directly identify an individual and are therefore personal information.
8. Telephone numbers will not directly identify an individual themselves but, as the public authority has already disclosed names, these can be linked to the named individual to which each one relates. Therefore the telephone numbers are personal information too.
9. As there is no evidence that any of the individuals concerned have given their consent for the information to be published, the only alternative lawful basis would be if publication was necessary to achieve a legitimate interest.
10. The complainant has not put forward any legitimate interest in the publication of this material. He has simply argued that the [Commissioner's guidance](#) requires publication. The Commissioner does not accept that his guidance requires publication of the **contact details** of senior officials. It does usually require that their **names** be published – but the public authority has already done this.
11. The Commissioner recognises that there is a broad legitimate interest in transparency and accountability, but he does not consider that publication is necessary to achieve this.
12. The public authority has pointed out that it already has processes in place to manage correspondence within the organisation. It also has processes in place to manage correspondence relating to Independent Review Panels. Streamlining these processes ensures that correspondence is managed appropriately and efficiently. It also ensures that senior leaders can delegate tasks appropriately to ensure that decisions can be made quickly.
13. The complainant has not provided and the Commissioner is not aware of, any compelling evidence that these processes are not functioning effectively. Consequently he does not see a pressing need for members of the public to be able to contact senior leaders directly, bypassing the process or skipping the queue.

14. As the Upper Tribunal remarked in [Kol v Information Commissioner](#), it is not necessary to demonstrate that publishing the personal information would directly harm the individual in order to attract protection. Personal information is protected because it is personal information.
15. The Commissioner is not satisfied that publication is a proportionate means of addressing any legitimate interest. Consequently, publication is not necessary, there would be no lawful basis for it and therefore section 40(2) of FOIA applies.

## Right of appeal

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16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

## Signed

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**