SHIP **Scottish Health Informatics Programme**

KEY POINTS YOU NEED TO KNOW ABOUT FREEDOM OF INFORMATION

WHO

- If you work for, or on behalf of a public body a Freedom of Information (FOI) Request may be made of you for data you hold
- As a researcher, an FOI request may be one way to access data for research (though probably not the best way)

WHAT

- The Freedom of Information Act 2000 applies in England, Wales and Northern Ireland. The Freedom of Information (Scotland) Act 2002 applies in Scotland. These are very similar and address rights of access to official information
- Public bodies must respond to FOI requests within 20 day statutory time limits, but there are a number of reasons why they might be exempt from supplying information, including:
  - The information is personal – where supplying it would violate the controller's legal data protection obligations
  - The information was supplied in confidence – though this is itself subject to a public interest test
  - The information is already in the public domain
- The Scottish Information Commissioner deals with FOI issues in Scotland only, the UK Information Commissioner's Office deals with *UK-wide* data protection issues

WHY

- If you are a data custodian or a researcher working for or on behalf of an NHS Health Board, university or other public body any data you hold may be subject to an FOI request from other professionals, or members of the public, requests may seek to access patient data or the results of research

WHAT SHOULD YOU DO?

- You should provide information that does not fall under the exemptions above within the statutory timeframe
- It is likely that patient data will be exempt unless it is anonymised
- But, you should be aware that even anonymised data, e.g. if concerning small samples or rare health conditions, may be patient identifying and therefore exempt
- Results of research conducted using SHIP should be published for public benefit, researchers will also benefit from publishing their findings as this reduces the burden of responding to individual FOI requests for results