



University Hospitals Sussex

NHS Foundation Trust

FREEDOM OF INFORMATION

ANNUAL REPORT 2024/25

The purpose of this Freedom of Information Annual Report is to provide an overview of University Hospitals Sussex NHS Foundation Trust's performance and compliance relevant to the Freedom of Information Act (2000) and the Environmental Information Regulations (2004) in the financial year 2024/25.

Introduction

The Freedom of Information Act (FOIA) and similarly, the Environmental Information Regulations (EIR), provide public access to recorded information held by public authorities, including NHS organisations such as ours. They do this in two ways: public authorities are obliged to publish certain information about their activities and members of the public are entitled to request information.

Public authorities are required by the FOI Act to:

- reply to any request within 20 working days by confirming where information is not held, providing information that is held, or by stating why information cannot be disclosed and where any of the 23 exemptions provided under the Act are applicable
- provide advice and assistance to applicants making requests under section 16 (*duty to assist*)
- not charge for providing information, other than photocopying, postage and related disbursements; unless the time that would be required to provide the information would exceed the 'appropriate limit' of 18 hours, in which case a 'fees notice' can be issued at the discretion of the relevant services involved
- offer a complaints (internal review) procedure when a request has been declined or the applicant is not satisfied with the response they received, which must be carried out prior to the applicant escalating a formal complaint to the Information Commissioner's Office (ICO)
- maintain a 'model publication scheme' on their website which provides access to seven classes of information

Under FOIA and EIR legislation individuals have a right to request any *recorded* information held by a public body, including printed documents, computer files, letters, emails, notes, photographs and sound or video recordings. Both the FOIA and EIR promote transparency and allow members of the public to hold public authorities to account, both on how their money is being spent and how decisions are made which may affect their lives.

While the FOIA and EIR bring additional work to already stretched resources, they can also bring about changes in procedures and reporting across the organisation as a result of requests that highlight issues where there is scope for improvement.

This annual report covers the processing of requests for information under the FOIA and EIR received by the Trust during the period 1 April 2024 to 31 March 2025.

Freedom of Information Service

The FOI Service sits within Corporate Governance and is responsible for ensuring compliance with the FOIA and EIR in 2024/25. This involves the processing of all FOI/EIR requests received by the Trust in line with the section 45 [FOI] Code of Practice, guidance from the Information Commissioner's Office (ICO) and Trust policy. The FOI Service is managed by the FOI Manager who was also responsible for implementing the corporate FOI/EIR complaints process and acted as liaison with the ICO over this period.

In 2024/25, the FOI Service had a full staff complement of 3.4wte, which included a FOI Manager, FOI Deputy Manager, Senior FOI Officer and an FOI Assistant. During 2024/25 the FOI Team processed **1,039** requests for information, provided advice and assistance to approximately **280** applicants wishing to submit a request, as well as the provision of regular advice and support to staff across the Trust regarding requests and FOIA/EIR legislation.

Summary of Activity

During 2024/25 a total of **1,038** FOI requests and **1** EIR request were received by the Trust from members of the public (including local residents and service users), national and local media, universities, NHS organisations, charities, Members of Parliament and their staff, private companies and whatdotheyknow.com. This was a small increase of **13** requests over a total of 1,026 requests received in 2023/24.

The table below shows the number and percentage of requests received by category of applicant over this period, including comparative reporting from 2023/24. Note - the way commercial requests were categorised over this period changed. Previously, only commercial requests received specifically from companies were categorised as commercial. Since many commercial requests are now submitted using generic email addresses, all requests that are commercial in nature are now categorised as 'commercial' requests. This, in part, explains the increase in reported commercial requests from 28% in 2023/24 to 34% over this period and a decrease in requests categorised as Public/Private from 28% in 2023/24 to 21% in 2024/25. Commercial requests will be reported in this way going forward.

Category of Applicant	Requests 2023/24	% Requests 2023/24	Requests 2024/25	% Requests 2024/25
Commercial	288	28%	354	34%
Public/Private	292	28%	219	21%
Media/Journalism	147	14%	153	15%
FOI Portal (whatdotheyknow.com)	124	12%	114	11%
NHS	51	5%	67	6%
Academic	31	3%	48	5%
Campaign Groups	26	3%	25	2%
Government/MP	31	3%	24	2%
Charities	17	2%	15	1%
Union/Professional Body	7	1%	12	1%
Legal	12	1%	8	1%

Performance

The FOIA and EIR require that requests for information are responded to within 20 working days or 40 working days in exceptional circumstances. In 2024/25, **98%** of requests received by the Trust met this target. This is a slight reduction on the Trust's performance of 99% in 2023/24. The table below indicates the quarterly performance over this period.

2024/25	Requests Received	% Compliant
Quarter 1	265	99%
Quarter 2	240	98%
Quarter 3	244	98%
Quarter 4	290	97%
Total	1,039	98%

Of the **1,039** requests received in 2023/24, **21** requests (**2%**) did not receive a response within the statutory deadline. Most breaches were due to delays in receiving information from services or in obtaining approvals which ensured that responses were both accurate and complete. Whenever possible, applicants were informed in advance of any likely delay and this helped to avoid escalation when a response was overdue. The FOI Team actively monitored performance and supported staff in responding to requests within the statutory time frame, ensuring breaches were kept to a minimum.

While 21 requests breached over this period, 20 of those received responses within one month of the missed deadline.

2024/25 Processing Breaches	Requests
Total Requests That Breached Statutory Deadlines	21
Breaches Less Than 1 Month	20
Breaches Longer Than 1 Month	1*

* This lengthy breach occurred when the initial request for information was received elsewhere in the Trust and was not promptly forwarded to the FOI Service for processing. Once received by the FOI Team, the requester received a response within 20 working days. Relevant staff were reminded of their responsibility to forward requests promptly to the FOI Service which reduced the likelihood of such a delay occurring again.

Performance since the Trust was formed in April 2021:

Financial Year	Requests Received	% Compliant
2024/25	1039	98%
2023/24	1026	99%
2022/23	855	98%
2021/22	751	92%

Section 16 [Duty to Assist]

Under section 16 [duty to assist] of the FOIA public authorities are required to provide assistance to applicants regarding their FOI requests where possible and reasonable to do so. The FOI Team provides assistance when:

- applicants have provided insufficient information to process their request
- a request is unreasonable in scope
- a request is not yet valid
- a request primarily seeks exempt information
- information is not held in the format requested, but alternative data is available
- applicants are unable to submit their request in writing (e.g. due to a disability)

Of the **1,039** requests received in 2024/25, the FOI Team contacted **280** applicants (**27%**) to provide advice, request clarification or suggest alternative information held by the Trust. Where requests were too broad in scope or would require too much staff time to fulfil, the FOI Team would contact the relevant services in the first instance to establish the nature of information that could be more easily provided, which was then communicated to applicants and more reasonable requests were agreed and fulfilled, or alternative information was provided which would satisfy the request.

Request Processing

The requests for information received over this period covered a wide range of topics, many of which were complex. In line with the Trust's FOI standard operating procedures, there are a number of FOI leads within Divisions or Departments across the Trust that assist with processing requests relevant to their service area and the FOI Team is grateful for their support. The following table provides a breakdown of the main areas where requests were sent and processed in 2024/25, including comparative reporting from 2023/24. It should be noted that requests often required information from more than one service area.

Division/Department	Requests 2023/24	% Requests 2023/24	Requests 2024/25	% Requests 2024/25
Human Resources	169	16%	182	18%
Business Intelligence	106	10%	169	16%
Finance	120	12%	150	14%
Pharmacy (CSS)	103	10%	112	11%
Surgery	47	5%	84	8%
Facilities and Estates	67	7%	81	8%
Corporate	77	8%	77	7%
Clinical Support Services (Excl Pharmacy)	75	7%	73	7%
Medicine	57	6%	72	7%
Women and Children	71	7%	66	6%
IT	60	6%	62	6%
Procurement	41	4%	54	5%
Cancer	32	3%	42	4%
Clinical Governance	39	4%	41	4%
Specialist	31	3%	35	3%
Complaints/PALS	11	1%	28	3%
Information Governance	16	2%	20	2%
Clinical Administration	11	1%	19	2%
Capital Development	6	1%	12	1%

In addition to the breakdown of requests indicated in the table, the FOI Team processed **99** requests (**10%**) without referral to other staff through the provision of assistance to applicants, the application of exemptions or by providing previously released information. Although the Trust only received 13 more requests than the previous year, most Divisions/Departments noted an increase in the number of requests that required their involvement due to the complexity of the requests received over this period.

Response Outcomes

The table below indicates the response outcomes associated with the 1,039 requests received over this period, including comparative reporting from 2023/24.

Response Outcomes	Requests 2023/24	% Requests 2023/24	Requests 2024/25	% Requests 2024/25
Info Disclosed in Full	300	29%	288	28%
Info Partially Disclosed/Part Exempt	266	26%	287	28%
No Further Assistance Required (S16)	189	18%	143	14%
Request Revised	75	7%	101	10%
Info Withheld in Full	67	7%	50	5%
Info Partially Disclosed/Part Not Held	49	5%	52	5%
Info Not Held	65	6%	39	4%
Referred to External Body	6	1%	31	3%
Referred to Internal Team (e.g. PALS, HR)	<i>Not previously reported</i>		20	2%
Part Disclosed/Part Exempt/Part Not Held	<i>Not previously reported</i>		15	1%
Request Withdrawn	9	1%	13	1%

Information was disclosed in full or in part when responding to **642** requests (**62%**) received over this period. After assistance was provided to applicants under section 16 [*duty to assist*], which included advice about the information we hold, offers of alternative data, requests for clarification and details about any applicable exemptions, no further action was required for **143** requests (**14%**). Applicants revised **101** requests (**10%**) and withdrew **13** requests (**1%**). A total of **31**

requests (3%) were referred to an external organisation, such as the ICS or other local NHS Trust since they held the information requested. It was appropriate for exemptions to be applied in full to just 50 requests (5%).

Exemptions / Exceptions

While the FOIA and EIR were introduced with the aim of increasing transparency, there are certain circumstances where it is appropriate to withhold the information requested. The FOIA outlines 23 exemptions and the EIR outlines 14 exceptions which prevent the release of information. The following table indicates the nature and frequency of exemptions that were applied (either partially or in full) to FOI requests received in 2024/25, including comparative reporting from 2023/24. More than one exemption may have been applied to a single request. No exceptions were applied to the EIR request received over this period.

Response Outcomes	Requests 2023/24	% Requests 2023/24	Requests 2024/25	% Requests 2024/25
S.12 Provision [<i>Cost Limit</i>]	130	13%	109	10%
S.14 [<i>Vexatious</i>]	9	1%	2	<1%
S.21 [<i>Accessible Elsewhere</i>]	31	3%	34	3%
S.22 [<i>Future Publication</i>]	10	1%	1	<1%
S.31 [<i>Law Enforcement</i>]	13	1%	23	2%
S.36 [<i>Prejudice Public Affairs</i>]	4	<1%	1	<1%
S.38 [<i>Health & Safety</i>]	1	<1%	3	<1%
S.40 [<i>Personal Information</i>]	251	24%	217	21%
S.41 [<i>Provided in Confidence</i>]	6	1%	3	<1%
S.43 [<i>Commercial Interests</i>]	37	4%	31	3%
S.44 [<i>Prohibitions of Disclosure</i>]	3	<1%	3	<1%

Section 12 provision [*cost limit*] can apply when an applicant asks for information that will require an unreasonable amount of staff time to 'locate, retrieve and extract' (defined as >18 hours); the provision is intended to mitigate the amount of additional work created by FOI requests. **Section 12** provision was applied to some extent to **109** requests (**10%**) received by the Trust; **section 14** exemption was applied to **2** repeat or burdensome commercial requests; **section 21** exemption was applied to **34** requests (**3%**) where information was reasonably accessible by other means, usually via the Trust's website; **section 22** exemption was applied once where information was intended for future publication on the Trust's website.

Section 31 exemption was applied to **23** requests (**2%**) where disclosure would likely prejudice the prevention of crime such as cyber-attacks, theft or fraud. In light of the recent cyber-attacks on NHS hospitals and the serious impact these have had on patient services and the loss of patient data, the Trust is no longer disclosing specific information about our IT systems and infrastructure through the FOI process and section 31 exemption was applied in these circumstances.

Section 36 exemption was applied once where disclosure would likely prejudice the effective conduct of Trust affairs; **section 38** exemption was applied to **3** requests where disclosure would likely endanger the safety of patients and/or staff; **section 40** exemption was applied to **217** requests (**21%**) in order to prevent the disclosure of personal, confidential information relating to patients or staff; **section 41** exemption was applied to **3** requests for information held in deceased patient records or information provided to the Trust in confidence as part of a tender process; **section 43** exemption was applied to **31** requests (**3%**) to protect the commercial interests of the Trust or a supplier; **section 44** exemption was applied to **3** requests where disclosure was prohibited under the Public Contracts Regulations 2015.

Complaints / Internal Reviews

Applicants who are unhappy with the response they receive or the way in which their request was processed can submit a formal complaint, which initiates a process called an Internal Review. When a complaint is received a lead officer is nominated by the FOI Manager to carry out an impartial review of the processing of the request. The lead officer is usually the Company Secretary, who considers the rationale, public interest, timeliness, and decisions taken. The lead officer then produces a written response on conclusion of the review which outlines whether the Trust's original decision is upheld, reversed or modified. Where the outcome of a review is that information should be disclosed which was previously withheld, the information in question is then disclosed as soon as possible.

If an applicant remains dissatisfied with the outcome of the internal review, they can then submit a complaint to the Information Commissioner's Office (ICO). The ICO will then formally review the Trust's handling of the request and subsequent internal review and can issue a legally binding Decision Notice which outlines the ICO's decision about what action, if any, the Trust is required to take to resolve the complaint. Decision Notices are published on the ICO's website and are used to publicly highlight compliance issues. In the event that the Trust does not comply with the steps specified by the Commissioner in a Decision Notice, this could result in the Trust being found in contempt of court.

In 2024/25, the FOI Service received **2** formal complaints relevant to request processing. This was 50% fewer complaints than the 4 received in 2023/24. Of the **2** internal reviews carried out, the Trust's original response was upheld in both cases.

Over this period, the FOI Team was notified by the ICO that one complaint received in 2023/24 had been escalated for their attention. The FOI Service cooperated with the ICO investigation and the Commissioner subsequently issued a Decision Notice in September 2024 [Reference: IC-306739-H5T1] which required no further action to be taken by the Trust. The ICO Case Worker complimented senior managers and the FOI Team on their efforts to support the applicant with their request and resolve the complaint.

Publication Scheme and Disclosure Log

Public authorities are required to proactively publish and maintain a Publication Scheme under Section 19 of the Freedom of Information Act. The Publication Scheme sets out an organisation's commitment to make certain classes of information routinely available, in line with seven classifications outlined by the ICO's 'model publication scheme'. This includes information such as policies and procedures, minutes of meetings, annual reports and financial information. The Trust's Publication Scheme was maintained in line with the ICO definition document and information continues to be identified for routine publishing. Our Publication Scheme is hosted on the Trust's website – [Publication scheme - University Hospitals Sussex NHS Foundation Trust \(uhsussex.nhs.uk\)](https://uhsussex.nhs.uk)

A new Disclosure Log was introduced in 2023/24, which provides a collection of information disclosed under the Freedom of Information Act or the Environmental Information Regulations where it is considered to be in the wider public interest. Our Disclosure Log is hosted on the Trust's website – [Disclosure log - University Hospitals Sussex NHS Foundation Trust \(uhsussex.nhs.uk\)](https://uhsussex.nhs.uk)

Alignment to the Trust's Strategy "Patient First"

Patient First encapsulates the Trust's vision, values and strategic methodology, including an improvement approach which supports the Trust's core focus: *the patient first and foremost*. The FOI Service supports these values and themes in the following ways:

- assists patients and the public where possible in getting the answers and information they need when requests for information fall outside the remit of FOIA/EIR processing
- promptly redirects requests for health records sent to the FOI Service in error – in 2024/25 the FOI Team logged, acknowledged and redirected 93 Subject Access Requests to the Trust’s SAR Team, ensuring these could be processed without delay
- shares information with Directors and Managers that comes to light through the processing of requests that may improve patient experience, e.g. updating of policies or information available on the Trust website
- supports our Patient Advice and Liaison Service (PALS) colleagues in coordinating replies to complaints that include a FOI element, ensuring responses are comprehensive and consistent
- liaises with FOI colleagues in other NHS Trusts through a forum that facilitates the sharing of advice and information which helps ensure consistent responses to FOI/EIR requests across the region
- supports staff with their FOI/EIR work so that requests are processed efficiently, maximising the time staff can focus on patient services

Conclusion

The FOIA and EIR are intended to be tools for cultural change, providing new levels of accountability in public sector organisations such as the NHS. The additional scrutiny associated with the FOIA/EIR process has enabled the Trust to understand the nature of information that is important to our communities and patients, which has led to improvements in the way information is conveyed and made available proactively via our website. University Hospitals Sussex NHS Foundation Trust will continue to learn and grow through engagement with this process. **This annual report provides assurance that the Trust met its legal obligations under the FOIA/EIR in 2024/25 and confirms its commitment to openness and transparency.**

For further information about this annual report or other FOIA/EIR matters please contact:

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 Lyndhurst Rd
 Worthing BN11 2DH

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Additional information about FOI/EIR request processing can be found on the Trust website – [Freedom of Information - University Hospitals Sussex NHS Foundation Trust \(uhsussex.nhs.uk\)](https://www.uhsussex.nhs.uk)