

FREEDOM OF INFORMATION ANNUAL REPORT 2025/26

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 2025/26.

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. 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;
- 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.

This annual report covers the processing of requests for information under the FOIA and EIR received by the Trust during the period 1 April 2025 to 31 March 2026 and includes an overview of the Trust's performance over the five years since it was formed in April 2021.

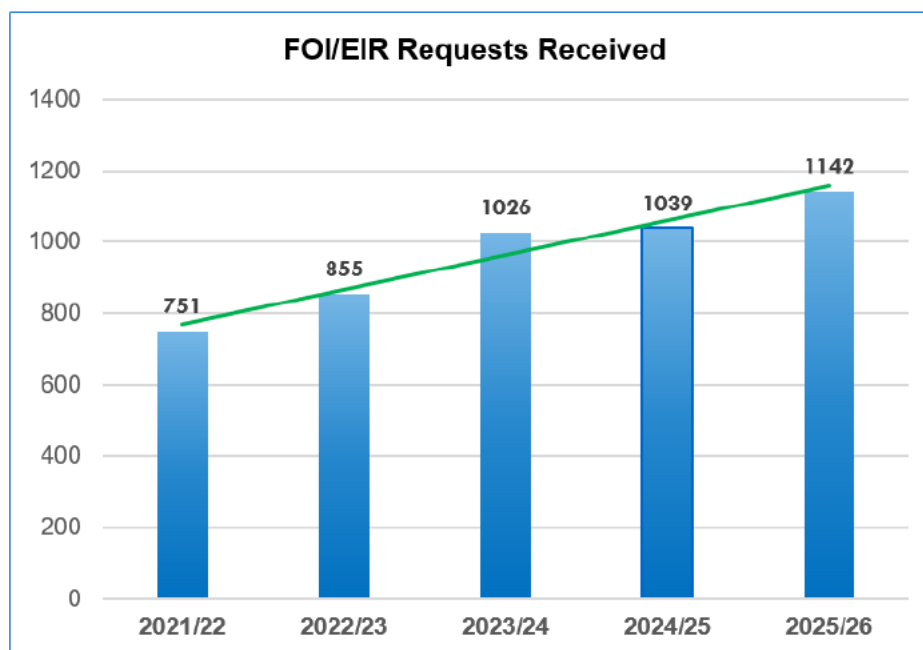
Freedom of Information Service

The FOI Service sits within Company Secretariat and is responsible for ensuring compliance with the FOIA and EIR. This involved the processing of 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 acts as liaison with the ICO.

Summary of Activity in 2025/26

During 2025/26 the FOI Service processed **1,142** requests for information (1,130 FOI requests and 12 EIR requests), provided advice and assistance to approximately **295** 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. These requests 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.

For 2025/26 this was an increase of **103 requests (10%)** over a total of 1,039 requests received in 2024/25. The graph below shows the number of requests for information processed by the FOI Service during each of the last five financial years since UHSussex was formed in April 2021.



The following table shows the number and percentage of requests received by category of applicant during 2025/26, including comparative reporting from 2024/25.

Category of Applicant	Requests 2024/25	% Requests 2024/25	Requests 2025/26	% Requests 2025/26
Commercial	354	34%	468	41%
Public/Private	219	21%	219	19%
Media/Journalism	153	15%	136	12%
FOI Portal (whatdotheyknow.com)	114	11%	122	11%
NHS	67	6%	55	5%
Academic	48	5%	47	4%
Union/Professional Body	12	1%	30	3%
Charities	15	1%	20	2%
Campaign Groups	25	2%	19	2%
Government/MP	24	2%	14	1%
Legal	8	1%	12	1%

The FOI Service noticed a significant increase in commercial requests received over this period, jumping from 354 (34%) in 2024/25 to **468 (41%)** in 2025/26. This increase in commercial requests has also been experienced by our local NHS partners. The FOI Team is actively mitigating the work involved in answering these requests by ensuring unreasonable requests are refused under section 12(1) [cost limit], aggregating numerous requests received from the same companies under section 12(4), ensuring requests are valid under section 8 where employees do not name the company on whose behalf they are seeking information, and supporting staff in refusing requests that seek sensitive information relevant to our services or contracts that would likely prejudice the Trust's commercial interests under section 43(2) [commercial interests] exemption.

Performance 2025/26

The FOIA and EIR require that requests for information are responded to within 20 working days or 40 working days in exceptional circumstances. In 2025/26, **97%** of requests received by the Trust met this target. The table below indicates the quarterly performance in 2025/26.

2025/26	Requests Received	Compliance %
Quarter 1	272	97%
Quarter 2	288	100%
Quarter 3	271	98%
Quarter 4	311	95%
Total	1,142	97%

Of the **1,142** requests received in 2025/26, **29 requests (3%)** did not receive a response within the statutory deadlines. Of the 29 requests that breached over this period, 28 of those received responses within 20 additional working days of the missed deadline; 1 response was issued 25 working days late due to the complexity of the request and the number of services and staff involved.

2025/26 Processing Breaches	Requests
Total Requests That Breached Statutory Deadlines	29
Breaches of 20 Additional Working Days or Less	28
Breaches Longer Than 20 Additional Working Days	1

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.

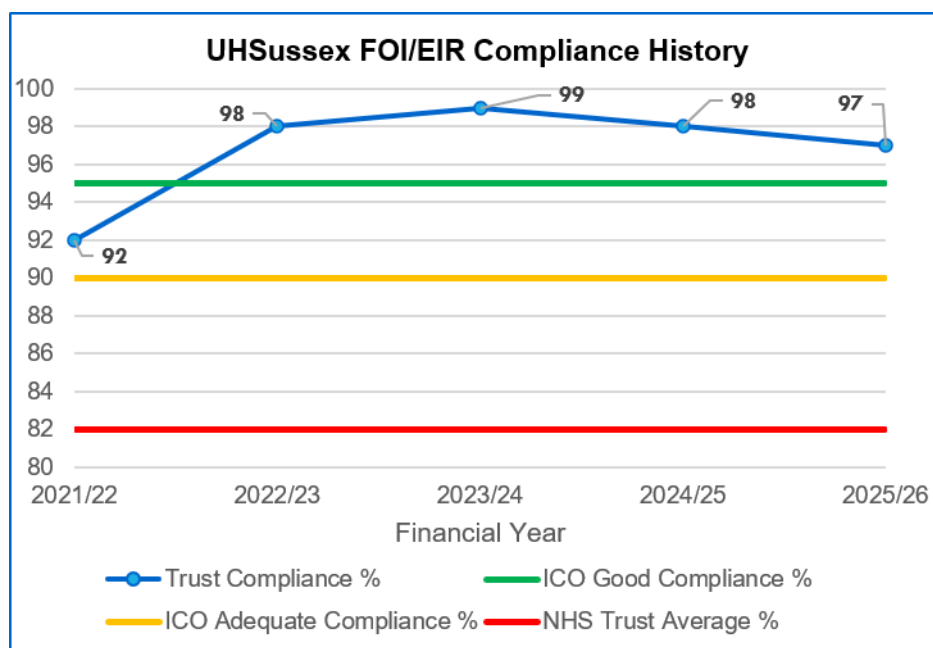
Performance 2021/22 - 2025/26

The table below indicates compliance performance since the Trust was formed in April 2021:

Financial Year	Requests Received	Compliance %
2025/26	1142	97%
2024/25	1039	98%
2023/24	1026	99%
2022/23	855	98%
2021/22	751	92%

The Information Commissioner's Office (ICO) is the independent regulatory body in the UK responsible for overseeing and enforcing the FOIA and the EIR. In 2025, the ICO selected a representative sample of NHS Trusts across England to build a comprehensive picture of FOI performance in the sector. The ICO found that the average compliance rate across each NHS Trust was 82%, with large trusts (over 10,000 employees) reported an average compliance rate of 71%. The ICO have taken action in recent years against Trusts with poor compliance rates requiring them to give a public commitment to improve which is then monitored closely by the ICO. Further information about the ICO's NHS compliance monitoring exercise and regulatory action taken can be found on the ICO website: [Successes and setbacks: ICO reports on FOI compliance across NHS trusts in England | ICO](#)

The ICO has issued guidance categorising compliance performance as follows: Good: >95%; Adequate: 90-95%; Unsatisfactory: <90%. UHSussex on merger had 'adequate' compliance in 2021/22 and maintained 'good' compliance over the four years since. The following graph shows the compliance percentage relevant to requests for information processed by the FOI Service during each of the last five financial years since UHSussex was formed in April 2021.



The FOI Service processed a total of **4,813** requests for information and, of these, **136** requests (**3%**) did not receive a response within the statutory deadlines, indicating an overall compliance rate of **97%** over this five-year period.

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 **1,142** requests received in 2025/26, the FOI Team contacted **295** applicants (**26%**) to provide advice, request clarification or suggest alternative information held by the Trust under section 16. 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.

The FOI Service noticed an increase in the use of AI tools to submit requests to the Trust over this period, and this resulted in increased support required to assist requesters by the FOI Team. Guidance from ICO suggests that FOI requests and secondary correspondence that appear to have been drafted by generative AI can require additional clarification because of inaccuracies or unnecessary complexity. When requests are clearly drafted using AI and are difficult to interpret, the FOI Team provide advice where necessary under section 16 and/or direct requesters to guidance available from the ICO website on writing effective requests for information using AI tools: [How to write an effective request for information | ICO](#)

Request Processing

Requests for information received over this period covered a wide range of topics, many of which were complex in nature. There are currently a small number of FOI Champions within services across the Trust that assist with processing requests and the FOI Team is grateful for their support. It is hoped that following implementation of the new Trust Operating Model, more FOI Champions will be nominated by services to support the Trust's FOI/EIR work.

The following table provides a breakdown of the main areas where requests were sent and processed in 2025/26, including comparative reporting from 2024/25. It should be noted that due to the increased complexity of requests the Trust is receiving, information from multiple service areas was often required to answer a request.

Division/Department	Requests 2024/25	% Requests 2024/25	Requests 2025/26	% Requests 2025/26
Human Resources	182	18%	177	15%
Business Intelligence	169	16%	174	15%
Pharmacy (CSS)	112	11%	130	11%
Finance	150	14%	125	11%
Corporate	77	7%	83	7%
Clinical Support Services (Excl Pharmacy)	73	7%	80	7%
Women and Children	66	6%	79	7%
Facilities and Estates	81	8%	71	6%
Procurement	54	5%	65	6%
Cancer	42	4%	48	4%
Surgery	84	8%	48	4%
Clinical Governance	41	4%	48	4%
Specialist	35	3%	47	4%
IT	62	6%	44	4%
Medicine	72	7%	44	4%
Complaints/PALS	28	3%	30	3%

Division/Department	Requests 2024/25	% Requests 2024/25	Requests 2025/26	% Requests 2025/26
Clinical Administration	19	2%	23	2%
Information Governance	20	2%	10	1%
Capital Development	12	1%	9	1%

In addition to the breakdown of requests indicated in the table, the FOI Team processed **178 requests (16%)** without referral to other staff through the provision of assistance to applicants, the application of exemptions or by providing previously released information.

Notable increases in the number of requests processed by a service area over the last year: Pharmacy (+16%), Women and Children (+20%) and Procurement (+20%). Notable reductions in the number of requests processed by a service area over the last year: Finance (-17%), Facilities and Estates (-12%), Surgery (-43%), IT (-29%), Medicine (-39%) and Information Governance (-50%).

Response Outcomes

The following table indicates the response outcomes associated with the 1,142 requests received in 2025/26, including comparative reporting from 2024/25.

Response Outcomes	Requests 2024/25	% Requests 2024/25	Requests 2025/26	% Requests 2025/26
Info Disclosed in Full	288	28%	331	29%
Info Partially Disclosed/Part Exempt	287	28%	286	25%
No Further Assistance Required (S16)	143	14%	157	14%
Info Withheld in Full	50	5%	102	9%
Request Revised	101	10%	82	7%
Info Partially Disclosed/Part Not Held	52	5%	44	4%
Info Not Held	39	4%	39	3%
Referred to External Body	31	3%	31	3%
Referred to Internal Team (e.g. PALS, HR)	20	2%	10	1%
Part Disclosed/Part Exempt/Part Not Held	15	1%	40	4%
Request Withdrawn	13	1%	20	2%

Information was disclosed in full or in part when responding to **701 requests (61%)** 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 **157 requests (14%)**. Applicants revised **82 requests (7%)** and withdrew **20 requests (2%)**. A total of **31 requests (3%)** were referred to external organisations, 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 the information requested for **102 requests (9%)**.

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 2025/26, including comparative reporting from 2024/25. More than one exemption may have been applied to a single request.

FOI Response Outcomes	Requests 2024/25	% Requests 2024/25	Requests 2025/26	% Requests 2025/26
S.12 Provision [Cost Limit]	109	10%	151	13%
S.14 [Vexatious]	2	<1%	0	0%
S.21 [Accessible Elsewhere]	34	3%	55	5%
S.22 [Future Publication]	1	<1%	7	1%
S.24 [Safeguarding National Security]	0	0	6	1%
S.31 [Law Enforcement]	23	2%	71	6%
S.36 [Prejudice Public Affairs]	1	<1%	0	0%
S.38 [Health & Safety]	3	<1%	28	2%
S.40 [Personal Information]	217	21%	211	18%
S.41 [Provided in Confidence]	3	<1%	15	1%
S.43 [Commercial Interests]	31	3%	48	4%
S.44 [Prohibitions of Disclosure]	3	<1%	1	<1%

Section 12 provision [cost limit] can apply when a requester 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 **151** requests (**13%**) received by the Trust; **section 21** exemption was applied to **55** requests (**5%**) where information was reasonably accessible by other means, usually via the Trust's website; **section 22** exemption was applied to **7** requests (**1%**) where information was intended for future publication on the Trust's website.

Section 31 exemption was applied to **71** requests (**6%**) 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 organisations 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. This, in part, explains the increase in the application of section 31 exemption over this period. **Section 38** exemption was applied to **28** requests (**2%**) where disclosure would likely endanger the safety of patients and/or staff, including through cyber-attack; **section 40** exemption was applied to **211** requests (**18%**) in order to prevent the disclosure of personal, confidential information relating to patients or staff; **section 41** exemption was applied to **15** 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 **48** requests (**4%**) to protect the commercial interests of the Trust or a supplier.

Of the **12** EIR requests received in 2025/26; **7** received the information requested; **regulation 12(4)(a)** [information not held] was applied to **4** requests; **regulation 12(4)(b)** [manifestly unreasonable] was applied to **1** request; **regulation 13** [personal information] was applied to **2** requests. More than one exception may have been applied to a single request.

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 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 2025/26, the FOI Service received **10** formal complaints relevant to request processing. The increase in complaints over this period, the highest since UHSussex was formed, was due to the increased number and complexity of requests received over this period. Of the **10** internal reviews carried out, the Trust's original response was upheld in **6** cases; additional information was provided in **3** cases; the information requested was provided in **1** case. At the time of this report's publication, the ICO has not contacted the FOI Service regarding any complaints brought to their attention over this period.

The following table indicates the number of complaints received and, of those, the number escalated to the attention of the ICO since the Trust was formed in April 2021:

Financial Year	Total FOI/EIR Requests Processed	Complaints Received (Internal Reviews)	Number of Complaints Escalated to the Information Commissioner's Office
2025/26	1142	10	0
2024/25	1039	2	1
2023/24	1026	4	1
2022/23	855	4	0
2021/22	751	3	0
Totals	4813	23 (0.5%)	2

Out of **4,813** requests processed over this 5-year period, the FOI Service received a total of **23** formal complaints (**0.5%**). Of the **2** complaints escalated to the attention of the ICO over this period, the FOI Service fully cooperated with the investigations and the Commissioner subsequently issued Decision Notices which required no further action to be taken by the Trust.

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://www.uhsussex.nhs.uk/publication-scheme)

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. Updating of the log was postponed in 2025/26 due to capacity issues within the FOI Team and the significant increase in the number of requests received over this period. The FOI Team will resume this work in 2026/27. The Disclosure Log is hosted on the Trust's website: [Disclosure log - University Hospitals Sussex NHS Foundation Trust \(uhsussex.nhs.uk\)](https://uhsussex.nhs.uk/disclosure-log)

The FOI Team is actively encouraging services to consider the proactive publication of information through the Trust's Publication Scheme which is routinely requested via FOI. Once a routine publication schedule is established and information is made available on the Trust website, requesters could be directed to this information and section 21 exemption [accessible via other means] applied, or section 22 [intended for future publication] where applicable. This could help reduce the work burden in answering regular requests for the same information each year.

Alignment to the Trust's New Strategy "Excellent Care Everywhere"

In this strategy the Trust outlines a clear set of ambitions and commitments which will make a real difference to our patients, staff, partners and wider communities. The FOI Service supports these ambitions and commitments 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 2025/26 the FOI Team logged, acknowledged and redirected 104 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
- supports staff with their FOI/EIR work so that requests are processed efficiently, maximising the time staff can focus on patient services
- 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

Further information about the Trust's strategy: "Excellent Care Everywhere" can be found on the Trust website: [Our vision: Excellent Care Everywhere - University Hospitals Sussex NHS Foundation Trust](https://uhsussex.nhs.uk/our-vision)

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 resulted in improvements in the way information is recorded and conveyed proactively to the local communities and patients we serve via our website. UHSussex will continue to learn and grow through engagement with this process. **This annual report provides assurance that the Trust not only met its legal obligations under the FOIA/EIR in 2025/26, but also throughout the five years since UHSussex was formed in April 2021 and confirms its commitment to openness and transparency.**

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

Freedom of Information Office
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Worthing BN11 2DH

FOI Office email: UHSussex.foi@nhs.net

Additional information about FOI/EIR request processing, including the FOI Annual Reports for the previous four years, can be found on the Trust website: [Freedom of Information - University Hospitals Sussex NHS Foundation Trust \(uhsussex.nhs.uk\)](https://www.uhsussex.nhs.uk/freedom-of-information)