

Please contact: Access to Information Team

Email: MLCSU.FOITeam@nhs.net

Direct tel: 01782 872648

Chorley House
Lancashire Business Park
Centurion Way
Leyland
PR26 6TT

Tel: 01772 214232
www.lancashireandsouthcumbria.icb.nhs.uk

23 March 2023

Dear

Re: Your request for information under the Freedom of Information Act 2000

Ref no: FOI-2983-LSC

Thank you for your request dated 8 March 2023.

We can confirm that the ICB does hold the information you requested.

Please find our response to your questions below:

I enclose 2 screenshots of under 25k payments made to HCRG, under the FOI act I ask what each payment was for in money terms were they [24k 20k 5k].

Whilst we can confirm that the ICB does hold the information you requested, on review of previous responses we have located questions asking for the same information under FOI-2731-LSC, FOI-2664-LSC and FOI-2662-LSC.

In our latest response sent to you on the 6 February 2023 under FOI-2731-LSC we applied a Section 12 exemption which allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004:

"Section 12 Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit".

The Regulations states that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 2.5 days of work) for the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour (£25 x 18hours = £450).

In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

"(a) determining whether it holds the information,

- (b) locating the information, or a document which may contain the information,***
- (c) retrieving the information, or a document which may contain the information, and***
- (d) extracting the information from a document containing it”.***

We have carried out a reasonable and proportionate search to locate all of the documents that relate to the above request for information and outline how this was carried out.

There are 186 payments which are recorded on the financial systems which have been identified for the period between 2019 and 2022.

There were 28 payments identified between July – Sept 2022

To locate, retrieve, extract and confirm that the information is held for the 214 invoices, would take approximately 20 minutes per invoice. This is because the invoices do not contain detailed information about which service it relates to, they only contain PO numbers and codes, therefore, a specialist search using other financial systems would have to be undertaken to extract the information and then match this with the service.

It has been calculated that to provide this information would take the ICB 71 hours and 33 minutes as shown below:

214 x 20 mins = 71hrs and 33 mins.

As we have responded to earlier requests our position remains unchanged in that a section 12 would still apply to this request, therefore; we are refusing this request under section 14 vexatious/repeated request of the Freedom of Information Act 2000.

Section 14 (1) and (2) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.’

We considered the following factors when looking at this exemption;

Frequency of requests – the ICB has received requests previously which referred to payments made to HRCG for under £25,000.

Pattern of requests – each repeat request that is re-answered by the ICB leads to further requests and/or internal reviews. This has a significant impact on our already scarce resources.

Burden on the ICB – the fact that each request answered leads to further requests, internal reviews and correspondence, is burdensome to staff in each of the services handling your requests. In our response to FOI-2731-LSC we applied a section 12 – cost of compliance exceeds the appropriate limit and advised that it would take more than 71 hours for us to provide you with a breakdown of what the payments were for. Whilst we absolutely have a willingness to respond to FOI requests, the volume of the information requested would be onerous to the staff having to locate, retrieve, extract and confirm what the payments were for.

Unreasonable persistence – Whilst we are happy to provide information to members of the public via the FOI route on several occasions you have requested the same information and attempted to reopen the same line of enquiry which we have addressed within our responses previously.

Disproportionate effort – the information you have requested would mean the ICB would have to expend a disproportionate amount of resources in order to fulfil this request.

For the reasons outlined above we are issuing this refusal notice under section 14(1) of the Freedom of Information Act 2000. If any further requests or queries are received regarding this

topic, we will not be responding to these. You have the right to appeal against our decision; further information on how to do this provided below.

Right of Appeal

Should you require any further information or clarification regarding this response please do not hesitate to contact us. If you are dissatisfied with the response, you are entitled to request an internal review which should be formally requested in writing and must be within two calendar months from the date this response was issued.

To request an internal review

You can request this by contacting the FOI team by email at MLCSU.FOITeam@nhs.net or by post to Jubilee House, Lancashire Business Park, Leyland, PR26 6TR, specifying why you require a review.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the CCGs FOI complaints procedure. The ICO can be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
www.ico.gov.uk

Yours sincerely

**On behalf of Kevin Lavery
ICB Chief Executive**