

NHS Wirral Clinical Commissioning Group
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Our Ref: ID 1488

I write to provide a response to your request for information under the Freedom of Information Act 2000 ('FOIA') made on 15 August 2019. We have withheld some of the information you requested because it is exempt from disclosure under the following sections of the FOIA:

- s.21 Information reasonably accessible to you by other means; and
- s.40(2) Personal information.

I enclose the information that is not exempt from disclosure.

s.21 Information reasonably accessible to you by other means

Many of the emails you requested are emails or email chains in which you were included. As these emails are already in your possession, we consider them to be reasonably accessible to you and therefore not subject to the FOIA.

This is an absolute exemption and there is therefore no requirement to consider the public interest.

s.40(2) Personal information

You will see that the names, job titles and contact members of some individuals have been redacted from the information that has been sent to you.

The names, job titles and contact details of living individuals are exempt from disclosure under s.40(2) of the FOIA. However, having considered the public interest, our decision is to disclose the names and job titles of elected councillors, members of parliament and senior members of staff at NHS Wirral Clinical Commissioning Group (CCG), Wirral Metropolitan Borough Council (WMBC) and Wirral University Teaching Hospital (WUTH) and withhold the names of any other living people who appear in the documents, other than the requestor.

We have considered your legitimate interests in sharing this information, which include the following:

- Providing more information about the new maternity service, which is the subject of your FOI request, is in the interest of local residents who will use the service.

- Disclosing the information you have requested meets the need for transparency in public life as it allows the public to see how decisions about healthcare have been taken.

It will be appropriate to redact the personal data of the majority of individuals who appear in the documents you have requested. This is because they have not consented to the disclosure and unlike the senior officers, members of parliament and elected councillors their legitimate interests of the requestor are outweighed by the entitlement of these individuals to privacy. The factors that suggest this is the case include:

- As members of the public and more junior employees their information is not necessarily already in the public domain;
- As members of the public and more junior employees they might not have had an expectation that their emails could be subject to FOIA requests and disclosure could therefore cause them some distress; and
- As members of the public and more junior employees, they may well have a reasonable expectation that their information will be kept out of the public domain.

Although the senior officers, members of parliament and any elected councillors have not consented to share their personal data, a decision has been made to disclose their names as the legitimate interest in sharing the information you have requested outweighs their right to privacy for the following reasons:

- As elected officials and senior officers at public sector organisations their role is public facing and much of their information is already in the public domain;
- Because of their positions as elected officials and senior officers at public sector organisations they should be aware that their emails can be requested under the FOIA and should therefore not be as distressed as more junior employees or members of the public might be if their personal data is disclosed;
- The information requested is not private information about these individuals but rather information about their role; and
- Because of their positions as elected officials and senior officers at public sector organisations they should be aware of the FOIA and have a reasonable expectation that their emails may be subject to FOIA.

In the interest of their right to privacy, their phone numbers have been withheld.

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission for the purposes of news reporting. Any other reuse, for example commercial publication, would require the permission of the copyright holder.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to foirequests.nhswirralccq@nhs.net. Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.