



# Freedom of Information Policy

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## POL035 – Freedom of Information Policy

<b>Version</b>	<b>Date</b>	<b>Comments (i.e. viewed, or reviewed, amended approved by person or committee)</b>
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V8.1	17 July 2024	Recommended by Information Governance Group
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## POL035 – Freedom of Information Policy

Document Reference	Freedom of Information Act 2000
Recommended at Date	Information Governance Group 17 July 2024
Approved at Date	Compliance and Standards Group 29 July 2024
Valid Until Date	31 July 2026
Equality Analysis	Completed
Linked procedural documents	Policy for the Development of Procedural Documents Records Management Policy and Procedures Data Protection Policy
Dissemination requirements	All managers and staff, via email and intranet
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

All Trust policies can be provided in alternative formats.

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## 1. Introduction

The Freedom of Information Act 2000 (FOIA) forms part of the Government's commitment to greater openness within the public sector. The East of England Ambulance Service NHS Trust (the Trust) is fully supportive of this and actively promotes a culture of transparency within the organisation. FOIA enables both members of the public and staff to scrutinise the decisions made by public authorities to improve accountability and ensure services are efficiently delivered.

## 2. Scope & Purpose

This policy applies to all individuals working at all levels and grades for the Trust.

The purpose of this policy is to provide a framework within which the Trust can fairly and consistently manage Freedom of Information requests whilst ensuring compliance with relevant legislation and regulations. The policy will present a clear route to access the information required within the timescales established by FOIA.

## 3. Duties

### 3.1 Trust Board

The Board will receive assurance that an internal process is being adhered to, operating effectively and that objectives are being achieved through the Information Governance Group.

### 3.2 Audit Committee

The Information Governance Group reports to the Audit Committee which is a sub-committee of the Trust Board. The Audit Committee is accountable to the Board regarding, and responsible for, Information Governance.

### **3.3 Compliance and Risk Group**

The Information Governance Manager reports the Freedom of Information response compliance rate to the Compliance and Risk Group when required for assurance that the process within this document is being adhered to effectively.

### **3.4 Information Governance Group**

The Information Governance Group is responsible for monitoring, and reviewing progress on, compliance with the Freedom of Information Act. In order to perform this duty, Freedom of Information issues are reported to the Group at meetings as required.

### **3.5 Chief Executive**

Ultimate responsibility for Freedom of Information rests with the Chief Executive who has overall responsibility for ensuring that the Trust is compliant with FOIA. The Chief Executive has delegated this responsibility to the Director of Corporate Affairs and Performance

### **3.6 Director of Corporate Affairs and Performance**

The Director of Corporate Affairs and Performance is responsible for managing effective handling of all Freedom of Information requests on behalf of the Board and the Chief Executive. Day to day responsibility is further delegated to the Information Governance Manager and the Corporate Records Manager/Fol Officer. Regular reports on overdue responses are escalated to the Director of Corporate Affairs and Performance.

### **3.7 Directors and Deputy Directors**

All draft responses are sent to the relevant Deputy Directors for approval as per the Fol Process in Appendix A. Deputy Directors have 5 days to approve the response, if none is received in this time, the response is escalated to the relevant Director for approval.

### **3.8 Information Governance Manager**

The Information Governance Manager oversees the Freedom of Information request process, as well as ensuring that any delays are escalated to the Information Governance Group and other groups/committees as required.

### **3.9 Corporate Records Manager / Fol Officer**

The Fol Officer is responsible for the co-ordination and administration of all Freedom of Information requests. By promoting Freedom of Information awareness within EEAST, the Corporate Records Manager / Fol Officer will support the Information Governance Manager in ensuring organisational compliance with FOIA. The Corporate Records Manager / Fol Officer will review as required the Publication Scheme, including the Disclosure Log.

### **3.10 All members of staff**

All staff have individual responsibility for:

- The creation of their own records and for adhering to the Records Management Policy and Procedures.
- Passing any Freedom of Information requests to the Corporate Records Manager / Fol Officer immediately.
- Supplying the Corporate Records Manager / Fol Officer with any information requested to fulfil a Freedom of Information request within 10 days

## **4. Definitions**

### **4.1 Freedom of Information Act**

The Freedom of Information Act 2000 provides public access to information held by public authorities. (Information Commissioner's Office)

### **4.2 Freedom of Information request**

In order to be an official Freedom of Information request, such a request must:



- Be a written request from a named person – this includes requests from social networking sites, e.g. Twitter, Facebook
- Have a return address for the information to be sent to – email/post
- Contain a clear question

However, a Freedom of Information request does not have to mention FOIA.

The email address for Freedom of Information requests is:  
[foi@eastamb.nhs.uk](mailto:foi@eastamb.nhs.uk)

### 4.3 Exemptions

There are a number of exemptions listed within the FOIA. These are agreed reasons which under certain circumstances allow a public organisation to legitimately withhold the information requested.

A full list of exemptions can be found in Appendix B of this policy.

## 5. Development

### 5.1 Prioritisation of Work

As required by FOIA the Trust must respond to Freedom of Information requests fully and in a timely manner. This document is an important part of this as it explains the response process and the responsibilities of all staff.

### 5.2 Identification of Stakeholders

All staff who create/receive records as part of their role within EEAST are stakeholders in this Policy, as all records produced by/for the Trust are potentially disclosable.

### 5.3 Responsibility for Document's Development

The responsibility for the developing and updating of this document lies with the Corporate Records Manager/Fol Officer; approval will be through the Information Governance Group.

## 6. Publication Scheme

In order to comply with section 19 of FOIA, the Trust has adopted the model Publication Scheme (see Appendix D). The Publication Scheme is online and details the classes of information that EEAST routinely makes available to the public.

The Publication Scheme will be regularly reviewed and updated to ensure that the information contained within it is relevant and up to date.

Included in the Publication Scheme is the Disclosure Log, this contains the requests made to the Trust and the responses.

## 7. Freedom of Information Requests

Section 1 of FOIA gives a general right of access from 1<sup>st</sup> January 2005 to recorded information held by public authorities. Subject to certain conditions and exemptions, any person making a request for information is entitled:

- to be informed in writing whether the Trust holds the information
- to obtain a copy of that information.

Under section 16 of FOIA the Trust has a duty to provide advice and assistance to persons who have made, or wish to make, requests for information.

On receipt of the request for information the Corporate Records Manager / FoI Officer will determine which Act is most appropriate to the request. For example, if the applicant is requesting their own medical records this should be dealt with under the current data protection legislation (see the Data Protection Policy). If the

applicant is requesting environmental information, then the request should be dealt with under the Environmental Information Regulations.

If the decision is made that the request is a valid Freedom of Information request, then it must be logged onto CycFreedom. The Corporate Records Manager / FoI Officer will endeavour to forward the request to the relevant senior manager within two working days from receiving the original Freedom of Information request.

Should clarification be required for the Trust to be able to respond to the request, an email must be sent to the requestor asking that they provide this clarification within 20 days. If clarification is not received, the request will be closed. All requests will be put on hold until the request is clarified or closed.

These provisions are fully retrospective at the point of request, in that if EEAST holds the information requested it has a duty to communicate it (subject to certain conditions and exemptions)

## **8. Refusal of Requests**

The Trust is not obliged to comply with a request for information in four situations:

- a) Where the cost of compliance exceeds the appropriate limit
- b) Where a fees notice has been issued but remains unpaid after three months
- c) Where a request is vexatious or repeated
- d) Where an exemption applies (see Section 8.1)

### **8.1 Exemptions**

There are two types of exemptions under FOIA i) qualified exemption and ii) absolute exemption. The latter allows an

organisation to immediately exempt the disclosure of information. The qualified exemptions require an organisation to consider the public interest test and whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

A full list of exemptions can be found in Appendix B of this policy.

With regards to the public sector contracts exemption under section 43 of the Act, the Trust abides by the rules set out by the Government Procurement Service and uses the standard NHS terms and conditions of contract that have been drawn up by the Department of Health. Unless an exemption under FOIA is applicable, the Trust will be obliged to disclose that information contained in the contract.

## 9. Charges and Fees

The Trust will not generally charge for information that it has chosen to publish in its Publication Scheme.

The Trust is not obliged to comply with a Freedom of Information request if it estimates that the cost of determining if it holds the relevant information, locating and retrieving the information and, where necessary, extracting the information from a document would exceed the appropriate limit set under section 12 of the Act.

Wherever possible the Trust will work with the applicant to provide alternative information that falls within the appropriate limit in line with section 16 of FOIA.

If the request does fall within the appropriate limit, then the information must be released to the applicant. The Trust may charge the applicant for any costs incurred in providing the information, a fees notice outlining the amount charged should be sent.

## 10. Timescales for Dealing with a Freedom of Information Request

The Trust has a duty to respond within a 20 working day period on receipt of a written request.

If the Trust chooses to apply an exemption to any information; or refuse a request because it appears to be vexatious or repeated; or exceeds the appropriate limit for costs of compliance; a refusal notice will be issued within 20 working days informing the applicant of this decision.

If the Trust needs to apply the public interest test to a request for exempt information, it may not be possible to reach a decision relating to disclosure within the 20 working day time limit. In this situation, the Trust will write to the applicant within 20 working days of receipt of the request with a realistic estimate of when a decision will be reached.

If a fees notice is issued, the 20 working day time limit for responses begins on the day that the request is first received. However, the working days between the fees notice being issued and the fee being paid will be disregarded for the purposes of the 20 working day deadline.

## 11. Transferring Requests

A request for information may be transferred where the Trust receives a request for information that it does not hold but which is held by another public authority. If a request is partly for information that the Trust does hold and partly for that which it does not, the transfer will only be made in respect of the part of that information it does not hold.

The Trust will offer advice and assistance to applicants in situations where some, or all of, the information requested is not held.

## 12. 'Round robin' requests

A 'round robin' request is one that has been sent to a number of different organisations by the same person. In some cases it may not be immediately obvious that the request has been sent to other organisations.

The Trust may decide to inform other organisations of this request for their information, and it may be necessary to liaise appropriately.

There may be times when on seeking advice from other organisations that a co-ordinated response is deemed to be the most suitable. However, the Trust will always make an individual determination on such a response and whether it is felt that this complies with FOIA.

### **13. Staff requests**

Any requests for information under FOIA from staff members must still be forwarded promptly to the Corporate Records Manager / Fol Officer at [foi@eastamb.nhs.uk](mailto:foi@eastamb.nhs.uk) for processing. However, if the request is for minor information that is easily to hand this can be responded to directly as a staff request and a copy of this must be sent to the Corporate Records Manager / Fol Officer to ensure a record is kept of all information released.

### **14. Requests for person identifiable information**

Subject Access Requests (SARs) are requests for personal information, either made by the person concerned or a third party. SARs are dealt with by the SARs team and requests for such information can be made here: [SARS@eastamb.nhs.uk](mailto:SARS@eastamb.nhs.uk)

## 15. Complaints

EEAST has a Complaints Procedure for Freedom of Information requests and this can be found at Appendix C.

### 15.1. Internal Review

As per our Complaints procedure, any requestor who is unhappy with the response provided by the Trust can request an Internal Review. The response provided will be reviewed to determine whether this is still the most appropriate response. If required an Internal Review Panel made up of senior staff will determine whether the original response is still correct.

## 16. Records Management

In accordance with the Trust's Records Retention Schedule, all Freedom of Information requests should be retained for a minimum of three years. Requests which were subsequently appealed should be retained for six years from the date of the final response.

## 17. Equality Analysis

An Equality Analysis has been completed for this Policy; this can be found in Appendix F.

## 18. Dissemination and Implementation

### 18.1 Dissemination

The Policy will be published on the Trust's public website and intranet site for all managers and staff.

### 18.2 Implementation

It is important that all managers and staff familiarise themselves with their responsibilities in the process of managing Freedom of

Information requests. Training regarding these matters can be arranged by the Corporate Records Manager / Fol Officer if required.

Staff should be encouraged to seek advice from the Corporate Records Manager / Fol Officer in any requests for information they receive.

## **19. Process for Monitoring Compliance and Effectiveness**

The Information Governance Group will receive reports at its meetings covering:

- the number of Freedom of Information requests received
- analysis of compliance with timescales relating to Freedom of Information requests
- complaints arising from Freedom of Information requests, including analysis and feedback

Through the Information Governance Group, the Board will monitor the Freedom of Information process, the allocation of responsibility for and implementation of any actions arising.

The process for monitoring can be found in the Monitoring Table in Appendix E.

## **20. Standards/Key Performance Indicators**

The Standards/Key Performance Indicators that this policy is measured against can be found in the Monitoring Table in Appendix E.

## **21. References**

- Freedom of Information Act 2000
- Data Protection Act 2018
- ICO model publication scheme



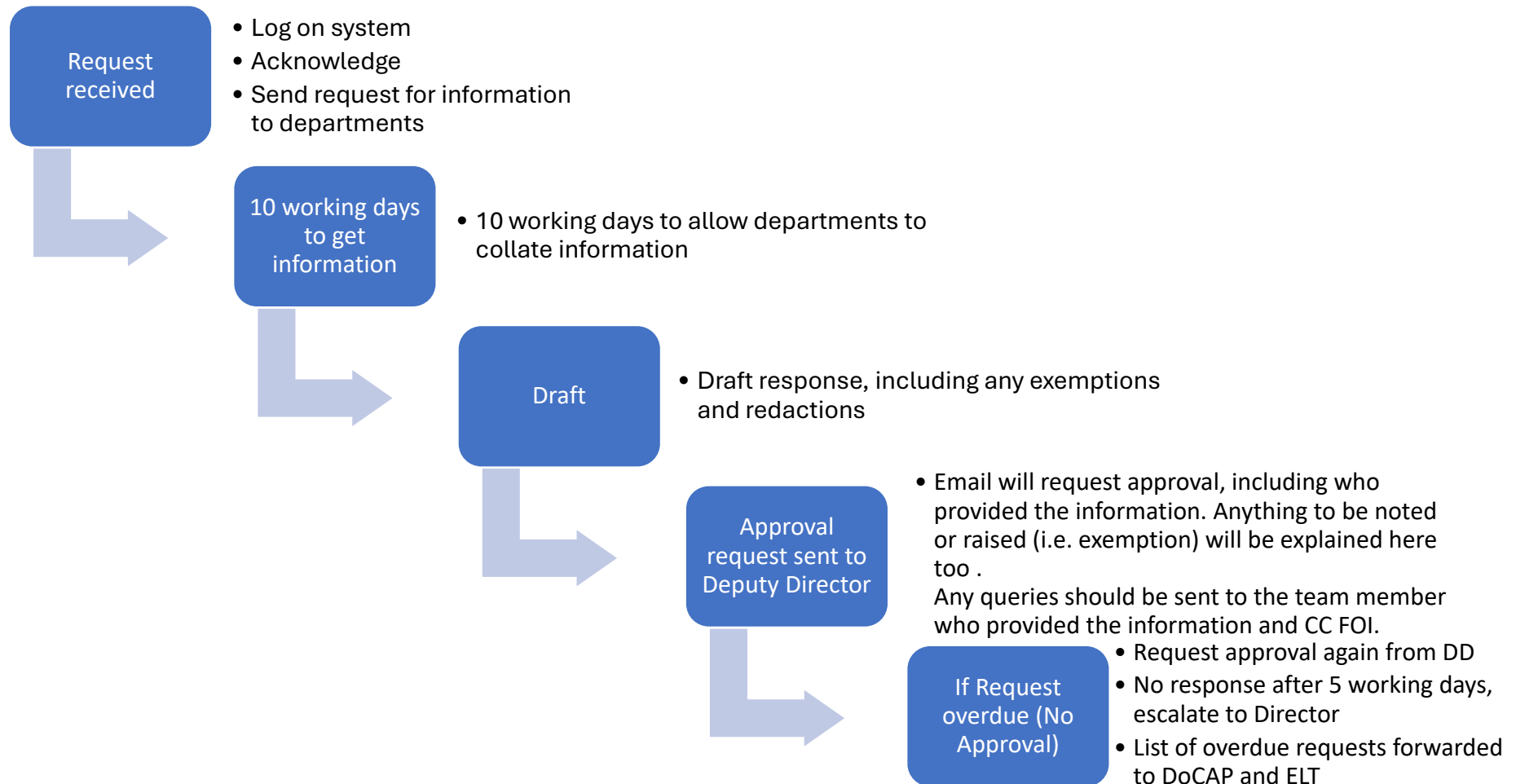
## 22. Associated Documents

- Policy for the Development of Procedural Documents
- Records Management Policy and Procedures
- Data Protection Policy

## Appendices

A	Freedom of Information Procedure Flow Diagram
B	Exemptions under the Freedom of Information Act 2000
C	Freedom of Information Act 2000 – Complaints Procedure
D	Publication Scheme
E	Monitoring Table
F	Equality Analysis

## APPENDIX A: Freedom of Information Procedure Flow Diagram



## Appendix B – Exemptions under the Freedom of Information Act 2000

### Qualified exemptions

- s.22 Information intended for future publication
- s.24 National security
- s.26 Defence
- s.27 International relations
- s.28 Relations within the United Kingdom
- s.29 The economy
- s.30 Investigations and proceedings conducted by public authorities
- s.31 Law enforcement
- s.33 Audit functions
- s.35 Formulation of government policy
- s.36 Effective conduct of public affairs (except information held by the House of Commons and the House of Lords)
- s.37 Communications with Her Majesty
- s.38 Health and safety
- s.39 Environmental information
- s.40 Personal information
- s.42 Legal professional privilege
- s.43 Commercial interests
- s.43 Public sector contracts

### Absolute exemptions

- s.21 Information accessible to applicants by other means
  - s.23 Information supplied by or relating to security bodies
  - s.32 Information contained in court records
  - s.34 Parliamentary
  - s.36 Effective conduct of public affairs (House of Commons and House of Lords only)
  - s.40 Personal information (where the applicant is the subject of the information)
  - s.42 Information provided in confidence
  - s.44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court
- If you would like more information regarding the exemptions under the Freedom of Information Act 2000 then please go to:

[A guide to the data protection exemptions | ICO](#)

## Appendix C – Freedom of Information Act 2000 – Complaints Procedure

If you have made a request for information under the Freedom of Information Act 2000 and you are unhappy with the response from the Trust either because of the amount the Trust wishes to charge you or for EEAST's application of an exemption, you can request an Internal Review by following the steps below.

### **Step 1**

In the first instance please contact the Corporate Records Manager / Fol Officer by emailing [foi@eastamb.nhs.uk](mailto:foi@eastamb.nhs.uk). Alternatively, you can write to:

Freedom of Information team  
East of England Ambulance Service NHS Trust  
Hospital Approach  
Broomfield  
Chelmsford  
Essex  
CM1 7WS

The Internal Review will look into the handling of your request and will respond once completed.

Please note that the Trust will aim to respond to your complaint within twenty working days however if for any reason there is a delay, this will be communicated to you together with the reason for the delay.

If you are unhappy with the outcome of this discussion, then please move on to Step 2.

### **Step 2**

If you remain dissatisfied with the Trust's response to your complaint then please contact the Information Commissioner's Office:

[FOI and EIR complaints | ICO](#)

## **Appendix D – Publication Scheme**

Under section 20 of the Freedom of Information Act 2000, public authorities are required to publish and maintain a publication scheme. The publication scheme is a list of the information routinely published by the Trust and the purpose of the scheme is to enable significant amounts of information to be made available without the need for a specific request.

The publication scheme is split into seven categories and these are identified below:

**Who we are and what we do**

**What we spend and how we spend it**

**What are our priorities and how are we doing**

**How do we make decisions**

**Policies and procedures**

**Lists and registers**

**The services we offer**

## Appendix E – Monitoring Table

What	Who	How	Frequency	Evidence	Reporting arrangements	Acting on recommendations	Change in practice and lessons to be shared
Number of Fol responses, number sent out within 20 working days	IG Manager	Reports generated from CycFreedom	Data provided to the Information Governance Group and any issues raised as necessary.	Figures taken from CycFreedom collated into a report	The report will go before the Information Governance Group	The Corporate Records Manager / Fol Officer will be responsible for acting on any recommendations made by the Information Governance Group	The outcome of any changes will be fed back to the Information Governance Group
Timeliness of Fol responses	Corporate Records Manager/Fol Officer /	Deadline dates recorded on CycFreedom	Data provided to the Information Governance Group and any issues	Figures taken from CycFreedom	Report to the Information Governance Manager and Director of Corporate Affairs and Performance	The Corporate Records Manager / Fol Officer will be responsible for acting on any recommendations made	Any changes to processes as a result of this will be fed back to the Information Governance Group



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			<p>raised as necessary.</p> <p>Data escalated as required to CRG and Audit Committee</p>				
Approvals process followed	Corporate Records Manager /Fol Officer	Emails requesting and giving approval will be retained	As required	Emails retained	Report to the Information Governance Manager	The Corporate Records Manager / Fol Officer will be responsible for acting on any recommendations made	Any changes to processes as a result of this will be fed back to the Information Governance Group

## Appendix F - Equality Impact Assessment

EIA Cover Sheet	
Name of process/policy	Freedom of Information Policy
Is the process new or existing? If existing, state policy reference number	POL035
Person responsible for process/policy	Corporate Records Manager/Fol Officer
Directorate and department/section	Information Governance
Name of assessment lead or EIA assessment team members	
Has consultation taken place?  Was consultation internal or external? (please state below):	Internal

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The assessment is being made on:

Guidelines	
Written policy involving staff and patients	X
Strategy	
Changes in practice	
Department changes	
Project plan	
Action plan	
Other (please state)	
Training programme.	

Equality Analysis																					
What is the aim of the policy/procedure/practice/event? To ensure that all Freedom of Information requests are processed in line with the Freedom of Information Act.																					
Who does the policy/procedure/practice/event impact on? <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 25%;"><b>Race</b></td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td style="width: 25%;"><b>Religion/belief</b></td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td style="width: 25%;"><b>Marriage/Civil Partnership</b></td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><b>Gender</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><b>Disability</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><b>Sexual orientation</b></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><b>Age</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><b>Gender re-assignment</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><b>Pregnancy/maternity</b></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>				<b>Race</b>	<input type="checkbox"/>	<b>Religion/belief</b>	<input type="checkbox"/>	<b>Marriage/Civil Partnership</b>	<input type="checkbox"/>	<b>Gender</b>	<input type="checkbox"/>	<b>Disability</b>	<input type="checkbox"/>	<b>Sexual orientation</b>	<input type="checkbox"/>	<b>Age</b>	<input type="checkbox"/>	<b>Gender re-assignment</b>	<input type="checkbox"/>	<b>Pregnancy/maternity</b>	<input type="checkbox"/>
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Who is responsible for monitoring the policy/procedure/practice/event? Corporate Records Manager/Fol Officer																					
What information is currently available on the impact of this policy/procedure/practice/event?																					
Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? Yes/ <b>No</b>																					
Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/ <b>No</b> , If yes please provide evidence/examples: <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 25%;"><b>Race</b></td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td style="width: 25%;"><b>Religion/belief</b></td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td style="width: 25%;"><b>Marriage/Civil Partnership</b></td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><b>Gender</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><b>Disability</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><b>Sexual orientation</b></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td><b>Age</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><b>Gender re-assignment</b></td> <td style="text-align: center;"><input type="checkbox"/></td> <td><b>Pregnancy/maternity</b></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p style="margin-top: 10px;">Please provide evidence:</p>				<b>Race</b>	<input type="checkbox"/>	<b>Religion/belief</b>	<input type="checkbox"/>	<b>Marriage/Civil Partnership</b>	<input type="checkbox"/>	<b>Gender</b>	<input type="checkbox"/>	<b>Disability</b>	<input type="checkbox"/>	<b>Sexual orientation</b>	<input type="checkbox"/>	<b>Age</b>	<input type="checkbox"/>	<b>Gender re-assignment</b>	<input type="checkbox"/>	<b>Pregnancy/maternity</b>	<input type="checkbox"/>
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## POL035 – Freedom of Information Policy

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes/**No**, if so please provide evidence/examples:

<b>Race</b>	<input type="checkbox"/>	<b>Religion/belief</b>	<input type="checkbox"/>	<b>Marriage/Civil Partnership</b>	<input type="checkbox"/>
<b>Gender</b>	<input type="checkbox"/>	<b>Disability</b>	<input type="checkbox"/>	<b>Sexual orientation</b>	<input type="checkbox"/>
<b>Age</b>	<input type="checkbox"/>	<b>Gender re-assignment</b>	<input type="checkbox"/>	<b>Pregnancy/maternity</b>	<input type="checkbox"/>

Please provide evidence:

### Action Plan/Plans - SMART

Specific

Measurable

Achievable

Relevant

Time Limited

### Evaluation Monitoring Plan/how will this be monitored?

Who:

How:

By:

Reported to: