

**Reference:** FOI.ICB-2223/164

**Subject:** Staff Names

*I can confirm that the ICB **does hold the information requested**; please see responses below:*

QUESTION	RESPONSE
<p>Quote "The Customer Services team explained that the questions asked below had already been received by them"... "They advised us that they would send one response to you directly from their team".</p> <p>What is the name of staff member of the C/Service team who stated this to you?</p> <p>What is the name of the anon. FOI staff member who relayed this [that I quote] to me under the banner of, '<b>Freedom of Information Team</b>'?</p>	<p>The ICB has withheld the requested information as processing would contravene principle (a) and principle (f) of the GDPR. The ICB is therefore applying Section 40 (3A) of the Freedom of Information Act to the request. The ICB has explained this decision below.</p> <p>The information requested concerns internal emails sent between the Freedom of Information team and the Customer Services team and relates to specific communications from a member of the public. The information requested is names of individuals which is considered personal information under the Data Protection Act (DPA) and GDPR. The ICB has therefore considered whether the exemption - Section 40 of the Freedom of Information (FOI) Act (release of personal information) applies when responding to the request.</p> <p>When considering the disclosure of personal information, the ICB must consider whether disclosure would contravene any of the data protection principles. The ICB needs to determine whether the disclosure would be lawful, fair and transparent.</p> <p>Below are the six factors the ICB must consider to determine whether disclosure of the information is lawful:</p> <ul style="list-style-type: none"> <li>• Is the data special category data?</li> </ul>

- Is the information criminal offence data?
- Is there any Article 6 lawful basis for processing the personal data?
  - Does lawful basis (a) – consent - apply?
  - Does lawful basis (f) – legitimate interests – apply?
- Would disclosure be generally lawful?

The ICB has determined that the requested data is not special category data neither is it criminal offence data.

The ICB must consider whether the lawful basis (a) or (f) would be relevant to disclosure under the FOI Act for this case.

For the lawful basis (a) - consent to be satisfied for disclosure, the individuals must provide their consent for their personal information to be disclosed as part of the response. In this case, the individuals have not consented for their names to be disclosed. Under the FOI Act, this does not mean that the names are automatically exempt from disclosure, however consent is an important consideration for the ICB.

For the lawful basis (f) - legitimate interest to be satisfied for disclosure, the ICB needs to consider:

- The legitimate interest in the disclosure of the information
- Whether disclosure is necessary for that purpose
- Does the legitimate interest outweigh the interests and rights of the individual

The ICB has considered the legitimate interest in the disclosure particularly in what purpose disclosing this information to the wider public serves.

The email noted in the request was an internal communication between ICB staff. The ICB has a legal obligation to respond to requests for information and the FOI team and Customer Services team work together to ensure queries are responded to in the most appropriate manner and answered under the correct legal framework. The content of the email may be of public interest as it represents how the ICB teams work together to support members of the public with their enquiries. In this case, the ICB believes that there is no interest to the wider public in the names of the staff who sent the emails. The ICB believes that the interest in the names of the staff members is only of interest to the requester. Therefore, there is no legitimate interest in disclosing the information.

The ICB has considered whether disclosure is necessary to fulfil the request. As the question asks for the names of staff who sent specific emails, disclosure of the personal information would be the only way to answer the question.

Although the names in association with the email are not in the public domain, the ICB recognises that in a previous FOI response (FOI.ICB 2223 153) the ICB has disclosed the names of the ICB FOI team, and the Customer Services team disclose their names to enquirers as standard practice. Therefore, the names of staff are already in the public domain. Staff names and job titles are also available to all members of the public as part of the ICB declarations

	<p>of interest register which can be found on the ICB website: <a href="https://bnssg.icb.nhs.uk/about-us/governance/governance-policies/register-of-interests/">https://bnssg.icb.nhs.uk/about-us/governance/governance-policies/register-of-interests/</a></p> <p>The ICB has considered all the information above and has applied Section 40 to the response as disclosure would contravene principle (a) That the personal data would not be processed in a lawful, fair and transparent manner and principle (f) That the personal data is necessary for the purposes of legitimate interest.</p> <p>Where disclosure would contravene principle (a) there is no requirement for the ICB to undertake a public interest test. However, in determining whether there was legitimate interest in the response, the ICB has considered whether the public interest outweighs the interests and rights of the individual. The ICB considered the following: consent of the individuals, whether any harm or distress would result following disclosure, whether the information is already in the public domain, the standard procedures of the ICB and the expectations of the individuals. These considerations supported applying Section 40 to the response.</p>
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***The information provided in this response is accurate as of 9 February 2023 and has been approved for release by Rob Hayday, Associate Director of Corporate Services for NHS Bristol, North Somerset and South Gloucestershire ICB.***