

21 September 2016

Wellington House
133-155 Waterloo Road
London SE1 8UG

T: 020 3747 0000
E: nhsi.enquiries@nhs.net
W: improvement.nhs.uk

By email [REDACTED]

Dear [REDACTED]

Request under the Freedom of Information Act 2000 (the “FOI Act”)

I refer to your email of **4 September 2016** in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

Your request

You made the following request:

“Please provide copies of any communications received by Monitor (NHS Improvement) from Carol Bode, former chair of Southern Health NHS Foundation Trust (redacting where necessary any information which today remains sensitive information or which it is in the public interest (tested at the date that you process this request) that the information remain confidential).

Please restrict this request to the period 2009 to date.”

Decision

NHS Improvement holds information relevant to your request and has decided to withhold the information on the applicability of the exemption in section 12 of the FOI Act as explained in detail below.

Cost limit under section 12 of the FOI Act

Under section 12(1) of the FOI Act, NHS Improvement is not required to comply with any request that potentially exceeds the appropriate cost limit. The limit is £450, as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

This equates to a period of approximately eighteen hours in which to locate, retrieve and extract the information requested.

In NHS Improvement's view, compliance with your request will exceed this limit because the time frame and scope of the request is very broad, covering all communications with all NHS Improvement employees over a seven year period.

Advice and assistance provided under section 16 of the FOI Act

Under section 16 of the FOI Act, NHS Improvement is required, as a public authority, to provide advice and assistance so far as is reasonable, to individuals who have made a request to it under the FOI Act.

In light of our assertion that this request in its current form would exceed the cost limit under the FOI Act, you may wish to:

- limit your request to certain employees/groups of employees at NHS Improvement; and/or
- specify a shorter time period for which you seek information.

In addition to narrowing the scope of your request, you may find it helpful to consider a recent response NHS Improvement provided to a similar request regarding communications between Monitor and the former Chair of Southern Health from 1 April 2011 to 30 January 2012, which is available on our website [here](#).

Please note that NHS foundation trusts are subject to the FOI Act and as such it is open to you to seek information directly from them. They will need to consider whether information can properly be provided by them in response to any such requests within the terms of the FOI Act.

Review rights

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

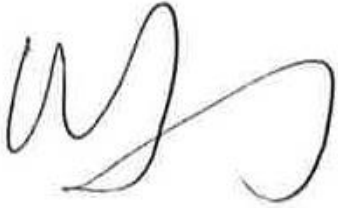
If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to nhsi.foi@nhs.net.

Publication

Please note that this letter will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'V Keilthy', written in a cursive style.

Victoria Keilthy
Deputy Regional Director