

24 April 2017

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**By email**

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Dear ██████████

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

I refer to your email of 17 February 2017 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:

*“The resilience team at NHS improvement produces a daily dashboard, which describes the number of available beds across all NHS trusts. Please provide a copy of the daily dashboard that was produced for each day in January 2017..”*

### **Decision**

NHS Improvement does hold the information that you have requested and has decided to withhold this information on the application of section 22 of the FOI Act, as explained in detail below.

### **Section 22 – future publication**

Section 22 provides that information is exempt information if:

- (a) the information is held by the public authority with a view to its publications, by the authority or some other person, at some future date (whether determined or not);
- (b) the information was already held with a view to such publication at the time when the request for information was made; and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a) above.

The information requested is part of the “Winter Sit Rep” data collated by NHS Improvement.

NHS Improvement intends to publish the daily data at a later date, as part of a report on winter performance across the sector. This will follow analysis and interpretation of the data, as part of a comprehensive review of winter performance, including details of trends and commentary on lessons learnt. Providing this will ensure the data is in context and is fully understood. We therefore intend to publish this data the report later this year.

### *Public interest test*

Section 22 of the FOI Act is a qualified exemption and NHS Improvement is therefore required to carry out a public interest test to determine whether the exemption should be maintained.

We recognise there is a general public interest in transparency and a specific public interest in the publication of performance data, in order to understand the pressures on the NHS during the relevant period. We note that in recognition of the public interest in transparency, NHS Improvement and public bodies such as NHS England proactively publish data on a regular basis. Relevant performance data is already published by NHS Improvement and NHS England, including NHS Improvement's quarterly performance report – see:

<https://improvement.nhs.uk/resources/quarterly-performance-nhs-provider-sector-quarter-3-1617/>

In relation to the daily data, the public interest in disclosure must however be weighed against the public interest in ensuring that the data is fully analysed, and is published alongside written commentary and analysis which enables the public and the NHS to properly interpret the data and understand the lessons to be learnt.

We therefore consider that the public interest in maintaining the exemption outweighs the public interest in disclosure.

### **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.

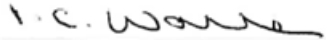
If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

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](mailto: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 that reads "Iain Wallen". The signature is written in a cursive style and is positioned above a thin horizontal line.

**Iain Wallen**

Director of Information and Analytics