

## Freedom of Information Request

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**Reference Number:** EPUT.FOI.20.1678  
**Date Received:** 2<sup>nd</sup> October 2020

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### Information Requested:

1. Please can you supply the details of the individual or individuals responsible for the recruitment and or resourcing of clinical staffing including doctors, nurses and AHPS within Essex Partnership University NHS Foundation Trust? This may be the individual responsible for the direct recruitment, or the individual responsible for managing the relationships with the external agencies you are working with. Please note, we are an NHS appointed framework agency and require this information to make sure we direct our correspondence to the right individual.

Please can you also provide:

- Contact name
  - Job title
  - Email address
  - Direct dial contact numbers if available
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### Response:

The Trust is unable to provide the information you have requested. This is because the Trust considers the staff names to be personal information which is exempt under Section 40 (Personal Information) of the Act.

In addition Trust policy states that personal information will only be given for those staff with public facing roles:

- Public Interest Roles - those staff occupying positions of seniority with public profiles and responsibilities for major (policy) decisions and expenditure of public funds. (Freedom of Information Policy & Procedure: Section 3.3)

However the Trust can confirm that the Executive Director responsible for Recruitment is Sean Leahy (Executive Director of People & Culture)  
[sean.leahy1@nhs.net](mailto:sean.leahy1@nhs.net)

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### Applied Exemption:

#### Section 40 (Personal information):

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—

- (a) it constitutes personal data which do not fall within subsection (1), and
  - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
    - (i) any of the data protection principles, or
    - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
  - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 2018 (which relate to manual data held by public authorities) were disregarded.
- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).
- (5) The duty to confirm or deny—
- (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
  - (b) does not arise in relation to other information if or to the extent that either—
    - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 2018 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
    - (ii) by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).
- (6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 2018 shall be disregarded.
- (7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 2018, as read subject to Part II of that Schedule and section 27(1) of that Act;
- “data subject” has the same meaning as in section 1(1) of that Act;
  - “personal data” has the same meaning as in section 1(1) of that Act.

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**Publication Scheme:**

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT's Publication Scheme is located on its Website at the following link <https://eput.nhs.uk>