

Freedom of Information Request

Reference Number: EPUT.FOI.20.1719
Date Received: 26th October 2020

Information Requested:

Please could you let me have the links for EPUT NHS policy & information around patient “confidentiality” and “capacity”.

Response:

The Trust believes that this information and the Policies you have requested are available on its public website and is therefore unable to provide you with this information direct as the Freedom of Information Act prohibits the re-release of information that is already published within the public domain. The Trust is therefore applying Section 21 Exemption (Information accessible to applicant by other means).

However in an effort to be helpful we can provide you with the link on where to locate the Policy you have requested <https://eput.nhs.uk/publication-category/d/>

CP59 – Data Protection & Confidentiality Policy
MCP2 – Mental Capacity Act & Deprivation of Liberty Safeguards Policy

Applied Exemption:

Section 21 (Information accessible to applicant by other means):

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
 - (2) For the purposes of subsection (1)—
 - (a) Information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - (b) Information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
 - (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information
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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>