

Freedom of Information Request

Reference Number: EPUT.FOI.23.3095
Date Received: 16th of August 2023

Information Requested:

I would like to request the following records under the Freedom of Information Act.

1. The organisational chart for your procurement department, including logistics and warehousing and other associated sub-units of the procurement and purchasing function.

Please include the job titles and Agenda for Change banding. For those instances where there are multiple people employed in the same role (for example, by way of a hypothetical: “contract manager” or “materials manager”), please include a headcount and FTE for that role.

Please also include the names of people on this organisational chart only where appropriate. I appreciate that many of the people on the chart will be too junior to have their names released and I would ask that you redact them.

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 an effort to ensure that the Trust does not receive unsolicited communications and/or any potential malicious malware, the Trust does not routinely publish the names or contact details of staff other than those publicly available through our Trust website.

Any staff details disclosed will be at senior level only and should not be used for the purpose of unsolicited communications or marketing purposes (in accordance with The Privacy and Electronic Communication Regulations, PECR) as well as ICO (Information Commissioner’s Office) guidance.

Please note that any person/s or organisation found to be in breach of PECR may be subject to criminal prosecution, non-criminal enforcement and audit. The Information Commissioner can also serve a monetary penalty notice imposing a fine of up to £500,000 which can be issued against the organisation or its directors.

2. A breakdown of your procurement department staff headcount in each Agenda for Change band by gender and ethnicity.

Please note that the trust's policy is not to provide patient or staff numbers, where the response is less than or equal to five (≤ 5) as it would potentially allow identification of the individual patient/staff and would therefore be personal data.

The trust considers that release of that information would breach GDPR/DPA18 principles on the grounds that it would not be fair in all the circumstances. This information is therefore exempt under section 40 of the FOI Act 2000.

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>