



Lincolnshire
Integrated Care Board

Lincolnshire Integrated Care Board

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26 October 2023

FREEDOM OF INFORMATION – DECISION NOTICE

Dear Requester

FOI Reference Number: 71675

I refer to your email of 04 October 2023 requesting information in relation to locked rehabilitation.

I can confirm on behalf of NHS Lincolnshire Integrated Care Board (ICB) and in accordance with S.1 (1) of the Freedom of Information Act 2000 (FOIA) that we do hold some of the information that you have requested. A response to each element of your request is detailed below and in the attached.

The information sought in part of question 4 may be held by the ICB for this time period but it is not held in an easily retrievable format.

Section 12(1) of the FOIA (together with Regulation 4 of the Fees Regulations) makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the 'appropriate limit'. For NHS Lincolnshire ICB this limit is set at £450, or 18 hours work estimated at a rate of £25 per hour.

When calculating the cost of compliance, a public authority may only include the time that would be required to determine whether the requested information is held, and to locate, retrieve and extract the information.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, Regulation 4(4)

<http://www.legislation.gov.uk/ukxi/2004/3244/regulation/4/made>

To assist you further, the Information Commissioner's guidance on Section 12 is available online at:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

From a preliminary assessment, the ICB's decision is that, in this case, even the time needed to determine whether information is held for part of question 4 and retrieve that information would exceed the 'appropriate limit' set out above.

This letter therefore serves as a refusal notice under section 17(1) of FOIA for the information sought in part of question 4.

The cost of complying with your request

In this case, it would greatly exceed the appropriate limit to retrieve the data for the total number of adults funded by the ICB in locked rehabilitation who were detained under the Mental Health Act for the financial years 2019/2020, 2020/2021, 2021/2022 and 2022/2023.

Unfortunately, the ICB does not record this information in an easily retrievable format. The information may be held in the patients records however it is not routinely recorded. In order to check if this information is recorded it would be necessary to manually check approximately 302 individual patient files on the ICB's Continuing Healthcare system. Based on a conservative estimate of 5 minutes per record this manual process would take approximately 25 hours.

The ICB is obliged, in compliance with section 16 of FOIA, to provide advice and assistance in refining the request to bring it within compliance of 18 hours.

We have provided a response to all other elements of the request; this is because we were able to collate this prior to realising part of question 4 would exceed 18 hours. In relation to Question 4 it is challenging to provide advice regarding refining the request other than requesting a random sample of patient records to be reviewed. We estimate that a sample of 216 patient records could be reviewed within the time allowed. However, as the information requested is not routinely recorded there is no guarantee that this refined request would return any meaningful results relevant to your request.

If you would like to make a request for that part of question 4 along this line, please let me know. We will then proceed to retrieve the requested information and to determine whether the information may be disclosed or whether an exemption applies.

To assist you further we have been able to supply responses to the remainder of the questions which were collated prior to the ICB becoming aware that the cost of complying with your request would greatly exceed the appropriate limit. Please see the attached file for further details.

I hope that this answers your queries with the information we currently hold, but if I can be of any further assistance please do not hesitate to contact me.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to

Arden & GEM Greater East Midlands Commissioning Support Unit
FOI TEAM/Corporate Communications Team

1st Floor, St John's House
East Street
Leicester
LE1 6NB

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided the ICB.

The Information Commissioner can be contacted at: telephone 0303 123 1113,
email icocasework@ico.org.uk and <https://ico.org.uk/global/contact-us/>

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<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Yours faithfully

Lindsay Parker
Senior Freedom of Information Officer

***On behalf of
NHS Lincolnshire ICB***