

Information Governance Department

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Ref: FOI2014/2393
Date Received: 26th November 2014
Response Due: 24th December 2014

3 December 2014

Dear ,

INFORMATION REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000

We are now pleased to respond to your request for information under the Freedom of Information Act.

You asked:

I am writing to obtain information **further details** about the number of your employees who received remuneration of more than £100,000 in 2013-14.

Please note, that you will have received a previous email from us regarding staff remuneration. This is not a duplicate. It is a separate request and requires new data.

As before, remuneration includes, but is not limited to: salary, fees, allowances, bonuses, benefits in kind, compensation for loss of office and employers' pension contributions.

Please note that whilst some of the information may be in the public domain in accounts and on your website, **the information requested is not fully available from your annual reports, websites etc.**

Many public sector organisations publish senior management salaries online or produce a table showing employees in remuneration bands of £5,000 in their annual accounts.

It is not possible to answer the questions below with that information alone. Employer pension contributions are excluded from these bands and there can be employees who are not senior managers who received more than £100,000.

Please make it clear if you are responding on behalf of more than one organisation.

To outline my query as clearly as possible, I am requesting:

1. The total number of **non clinical** staff who received remuneration equal to, or in excess of £100,000 in 2013-14.

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Chief Executive: Andrew Foster CBE

Total number of non clinical employees paid more than £100k is 3

2. For those **non clinical** staff who received remuneration in excess of £150,000:

- i. The employee's name
- ii. The employee's job title
- iii. The remuneration received by the employee
- iv. An itemised list of expenses claims made by the employee. If an itemised list is not available, please provide the amount the employee claimed in expenses in 2013-14

Refusal Notice: S40. Personal Information.

Personal data of a third party is exempt under section 40(2) if its disclosure to a member of the public would contravene one or more of the data protection principles. The Trust believes that to release this data would be in contravention of the first data protection principle. The first principle requires personal information to be:

- processed 'fairly'
- processed 'lawfully'

and not processed at all unless one of the 'conditions' for fair processing is met.

To release this data would not be 'fair' processing as there is a legitimate expectation by a third party (our employees) that this information would remain confidential. Also, the Trust must consider the effect which disclosure could have on the data subject - would the disclosure cause unnecessary or unjustified distress or damage to the person who the information is about? Releasing the data you have requested could bring the person unwanted attention and thus cause unjustified distress.

Section 40 is subject to the Public Interest Test.

A distinction can be drawn between information that relates to the private and public lives of a third party when considering whether disclosure would be fair. A disclosure would also be unlawful if it would place the organisation disclosing the information in breach of the Human Rights Act 1998.

It is unlawful under section 6 of the Human Rights Act for any public authority to act incompatibly with rights drawn from the European Convention on Human Rights. These include a person's right to respect for their private and family life (Article 8):

Right to respect for private and family life:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

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The Trust believes that information which is intrinsically private such as information about the home or family life of an individual, his or her personal finances, would be unfair to disclose and further that we may be in breach of article 8 of the Human Rights Act 1998 if we disclose.

Generally speaking, the more private the information, the greater the weight which will attach to the public interest in maintaining the exemption from the Freedom of Information Act for the purpose of the public interest test.

Refusal Notice. The information that you have requested is exempt under Section 21 of the Freedom of Information Act because this information is easily accessible by some other means. The salaries of our Board Members are available in our Annual Report. Please follow the link below to access this information.

http://www.wwl.nhs.uk/about_us/annual_report.aspx

I hope you find this information useful, however if you are not entirely satisfied with this response please do not hesitate to contact the Information Governance Department on 01257 256335. If we do not hear from you within 28 days we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,



Andrew Foster
Chief Executive

PLEASE NOTE:

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other reuse, for example commercial publication, would require the permission of the copyright holder. You must ensure you gain their permission before reproducing any third party information.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, WrightingtonHospital, Hall Lane, AppleyBridge, Wigan, WN6 9EP

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 at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

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