

Freedom of Information Act 2000 – Request Reference FoI/24/234

Nutrition Resources

Information Requested:

I am making a Freedom of Information Request to your NHS Trust, requesting the following:

- A copy of **all** educational literature resources (e.g. Word documents, powerpoints, Patient Information Leaflets, written Advice and Guidance documents etc.) that are distributed, or presented, to patients within your Trust from the **Dietetics and Nutrition** department (or similar) within your Trust, either in community-based or hospital-based settings.
- A copy of **all** educational literature resources (e.g. Word documents, powerpoints, Patient Information Leaflets, written Advice and Guidance documents etc.) that are distributed, or presented, to patients within your Trust from the **Eating Disorder Service** department (or similar) within your Trust, either in community-based or hospital-based settings.
- A copy of **all** educational literature resources (e.g. Word documents, powerpoints, Patient Information Leaflets, written Advice and Guidance documents etc.) that are distributed, or presented, to patients within your Trust from the **Diabetes** department (or similar) within your Trust, either in community-based or hospital-based settings.

Response Details:

In completing a search for the information requested, Cardiff and Vale University Health Board (the UHB) has confirmed that this information is not centrally recorded or collated. To retrieve the information requested would require a manual search through individual records and the UHB considers that this would exceed the limit set within the Appropriate Limit and Fees Regulations 2004. The UHB has therefore relied upon the section 12 exemption of the Freedom of Information Act 2000 (FOIA 2000) ('Exemption where cost of compliance exceeds appropriate limit') and is refusing your request for the following reasons.

It should first be noted that multiple requests within a single item of correspondence are considered separate requests for the purposes of section 12(4) of the FOIA 2000, as confirmed in *Fitzsimmons v Information Commissioner* [2008] UKIT EA/2007/0124.

When a public authority is estimating whether the appropriate limit is likely to be exceeded for the purposes of regulation 5 of the Fees Regulations as prescribed by section 12(4) of the FOIA 2000, it can include the costs of complying with two or more requests if these are:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign; and
- received by the public authority within any period of 60 working days.

Since all of these requests were sent by the same individual and received on 11 April 2024, the UHB believes these conditions to be satisfied.

Regulation 5(2) of the Fees Regulations equally requires that aggregated requests relate 'to any extent' to the same or similar information. This test is likely to be met where requests possess an overarching theme or have a common thread running between them with respect to the nature of the information sought. And since each of the requests relates to educational literature on nutrition, the UHB considers the requirement of similar information sought to be met due to the common themes present.

The UHB has estimated that to complete the work needed to respond to the aggregated requests would exceed the time limit as set within the Fees Regulations to respond to a request made under the FOIA 2000. Under the Act, there is an allowance of two and a half days, or 18 hours, to comply with a request and the cost limit set within the Fees Regulations for this amount of work is £450 for the UHB. The Fees Regulations specify that the cost of complying with a request must be calculated at the rate of £25 per hour.

In light of the above considerations, the UHB is refusing your requests for information in accordance with section 12(4) of the FOIA 2000.

However, the UHB can provide you with the below weblinks and affixed documents, pursuant to our duty to advise and assist under section 16 of the FOIA 2000. Please be aware that this supporting literature is for very structured education which needs to be delivered by a qualified professional backed up with signposting to trusted websites and resources, and is not always designed to be read in isolation.

Diabetes

- <https://dafne.nhs.uk/>
- <https://www.xperthealth.org.uk/>

Dietetics

- <https://nutritionskillsforlife.com/>
- <https://keepingmewell.com/>

Eating Disorders

- <https://www.beateatingdisorders.org.uk/>
- <https://www.eatingdisorderscardiff.co.uk/>