



Ref: FOIA Reference 2018/19-181

Royal Stoke University Hospital
Quality, Safety and Compliance Department
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 2nd July 2018

Tel: 01782 676474
Email foi@uhn.nhs.uk

Dear

I am writing in response to your email dated 28th June 2018 requesting information under the Freedom of Information Act (2000) regarding Data Protection Act - Section 2.

As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Q1 Do you agree that records and notes relating to an accusation of a Patient viewing illegal material online would fall under the definition of The Data protection Act 1998, Section 2, sub-section G: the commission or alleged commission by him of any offence?

Ai) Please outline your reasons as to why you agree or disagree with this.

A1 The FOI Act 2000 is for the release of information that is held/recorded and does not cover the opinions of persons regarding procedures, therefore the Trust is not required to respond.

Q2 B) What is your policy on how notes should be recorded, handled, stored, transmitted and secured which detail or regard an allegation of the Patient having committed a crime?

Bi) Who would have access to these notes?

Bii) What condition(s) under Section 3 of the DPA 1998 would you cite for processing data (such as notes, etc.) regarding the commission or alleged commission by the Patient of an offence?

A2 Information around criminal activity is not routinely recorded. On occasion we are contacted by the police if they have concerns that a patient may be a risk to other patients and this is dealt with discreetly within the clinical area.

There may be a note which identifies that the police may want to interview a patient whilst in the Trust or on discharge but the circumstances for this are not likely to be documented.

Q3 Would details of a Patient allegedly committing a crime ever be included and noted in explicit detail in a Patient's medical record?

A3 As answer 2

Q4 Would actions between staff members and the Police regarding an investigation into the criminal allegation against a Patient ever be included in the Patients medical records?

Such as a note in their medical records that a staff member has given a statement to the Police? Etc.

A4 As answer 2

Q5 Would the details of the allegation against the Patient be given to other NHS Trusts, such as when the Patient moves Trust?

A5 As answer 2

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.

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This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 676474.

Yours,

A handwritten signature in black ink, consisting of a large, loopy initial 'M' followed by a horizontal line extending to the right.

Mojgan Casillas
Interim Information Governance Manager