

FREEDOM OF INFORMATION REQUEST

RF23-704

Request:

Could you please publish the minutes for and any other publicly available information pertaining to the Monthly Mortality and Morbidity meeting for September 2020.

Clarified:

I am looking for the Mortality and Morbidity minutes for the Women's Health Department for September 2020. By 'other publicly available information' I mean any other information that relates to this specific meeting other than the minutes. If no other information related to the meeting was recorded and is subject to FOI, providing just the minutes for this meeting will satisfy this request.

Response:

We can confirm East Kent Hospitals University NHS Foundation Trust (EKHUFT) holds the information you have requested.

However, in accordance with section 40(2) (personal information) and section 41 (information provided in confidence) of FOIA the agenda and minutes of the meetings have been redacted.

Section 40(2) applies to information that relates to the personal information of living individuals whose identities are known or could be determined from the information requested. We believe that disclosure would breach data protection law, in particular Article 5(1)(a) of the UK GDPR which states that:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.”

In releasing the minutes, we must consider the impact that this would have on the individuals involved and their families, who would not expect information about their medical history, pregnancies, care and treatment to be disclosed to the wider public.

We consider that disclosure of the information would cause distress to the individuals, given that the information relating to their health would not already be in the public domain and that individuals could potentially be identified from the disclosure and would therefore be in breach of the first principle of the DPA. We have concluded that disclosure would not be fair to the individuals whose personal information is contained within the documents and that their right to privacy outweighs any legitimate interest in disclosure.

In relation to the individuals who have sadly died we engage section 41 of FOIA (information provided in confidence). Information relating to medical records would have been disclosed to EKHUFT in confidence, prior to their death, and as such the individuals would not expect this to be released. The Trust does not feel that the public interest in releasing the detail of incidents described in the minutes and in summary on the agendas outweighs the duty towards the individuals in maintaining their confidence.

(DATE OF RESPONSE: 04 DECEMBER 2023)