

## **FREEDOM OF INFORMATION REQUEST**

**RF23-705**

### **Request:**

Could you please publish the contents of the Gynae matters newsletter published within the Women's Health department for November 2020?

### **Response:**

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

Please see the attached PDF document named 'REDACTED Gynae Matters November 2020'

We have redacted information which constitutes the personal data of any individual concerned as we consider that disclosure of this personal data would be in breach of data protection principles, in particular principle (a) which states:

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

In the case of an FOIA request, the personal data is processed when it is disclosed in response to the request. This means that the information can only be disclosed if to do so would be lawful, fair and transparent. When considering whether the disclosure of personal information would be lawful, we must consider if there is a legitimate interest in disclosing the information, whether disclosure of the information is necessary, and if these interests override the rights and freedoms of the individuals whose personal information it is. The newsletter contains information relating to a patients' health issue in detail and includes information about their medical history which is taken from their medical records. Information about a person's health or medical treatment history is special category personal data and under data protection law this should only be shared where there is a legitimate interest.

Although you have not stated what your interest is in the newsletter, we acknowledge that there may be a public interest in knowing that the Trust has mechanisms in place for staff to share learning and training. However, we must consider the impact that disclosure would have on the patient whose personal information is contained in the newsletter who would not reasonably expect the information to be shared. We consider that disclosure of the information would cause distress to the patient, given that the information concerning their health issues are not in the public domain and on balance we conclude that disclosure would not be fair to the individual and that their right to privacy outweighs any legitimate interest in disclosure. Disclosure would therefore be in breach of the first principle of the Data Protection Act. As such section 40(2) FOIA is engaged and the requested newsletter has been redacted to remove any personal information.

Under section 40(2) of FOIA we have also redacted staff names and email address.

**(DATE OF RESPONSE: 04 DECEMBER 2023)**