

FREEDOM OF INFORMATION REQUEST

RF23-729

Request:

1. How many facet joint denervation procedures, specifically on cervical spine, have been carried out at EKHT in the last 4 years (figure for each year separately)?
2. a. How many facet joint denervation procedure's, specifically on cervical spine, have been carried out by Dr Zubair in the last 4 years (Dr currently takes Pain Management Clinic in EKHT)?
 b. How many spinal facet joint denervation procedures has Dr Zubair completed in the last 4 years?
 c. How many of 'b' are deemed as successful/unsuccessful?
3. EKHT records of success/improvement for patients that have had facet joint denervation, specifically on cervical spine, over the last 4 years. Please provide these figures.
4. How many EKHT cervical spine facet joint denervation procedures have been found to be unsuccessful?
5. How many EKHT patients with cervical stenosis have been referred onto a spine specialist, both EKHT and other (Kings Hospital Spinal etc)?
6. How many facet joint denervation procedures on the cervical spine have taken place within EKHT within the last 4 years?
7. Does Dr Zubair still work for EKHT? Is he permanent EKHT staff? Why does he not appear on the listing, available to everyone, of Dr's within the EKHT?

Response:

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

1. Cervical Spine Procedures

Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22	Apr 22 – Mar 23	Apr 23 – Oct 23
24	3	16	9	7

2. (a) and (b). Information about the number of procedures carried out by a named clinician constitutes the personal information of that individual. This means that the information can only be disclosed if to do so would not contravene UK GDPR data protection principles. Principle (a) requires the processing of personal data to be lawful, fair and transparent and therefore we must consider whether there is a legitimate interest in the information and whether that out-balances Dr Zubair's right to privacy. We have also considered whether the interest in this information is in the wider public interest or whether it is a personal interest. Whilst there may be a legitimate personal interest we do not believe there to be a wider public interest in this information, and that the need for openness and transparency on this occasion is not outweighed by the third party's right to privacy. Therefore sections 40(2) and 40(3A) of the Freedom of information Act 2000 are engaged and EKHUFT declines to provide this information.

Furthermore, as Dr Zubair has not provided consent for this information about him to be shared, we believe that disclosure would contravene an objection to processing and section 40(3B) FOIA is engaged.

(c) Information not held. The outcome sheets that are completed following a procedure list various questions which can ultimately describe a varied and complex pathway plan. We do not record on the outcome sheets if a procedure was successful or unsuccessful.

3. Information not held. See answer to question 2(c) above.
4. Information not held. See answer to question 2(c) above.
5. EKHUFT can only provide numbers of patients who were admitted with a primary diagnosis of cervical stenosis, who had a referral made to 'Spines' at EKHUFT. This information is provided below:

	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22	Apr 22 – Mar 23	Apr 23 – Oct 23
Referrals to Spine from an Admission of Primary Diagnosis of Cervical Stenosis	1	0	1	3	0

6. Please see the response to question one
7. EKHUFT believes that information relating to a doctor's employment status constitutes the personal data of the individual concerned and section 40(2) of FOIA is engaged. We consider that disclosure of this personal data would be in breach of any of the 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 FOI 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. Whilst there may be a personal interest in information about an individual's employment status and the information is not available by other means, EKHUFT does not believe that this interest would outweigh the individual's right to privacy and sections 40(2) and 40(3A) FOIA are engaged.

(DATE OF RESPONSE: 18 DECEMBER 2023)

