

By email only  
J Roberts



25 February 2015

Dear J Roberts

**RE: Freedom of Information request - PHSO failure to investigate case of hospital death (BBC)**  
(request-242632-1d5990fb@whatdotheyknow.com)

I am writing in response to your email dated 2 January 2015 in which you expressed dissatisfaction with our handling of your request for information. Your request for a review has been passed to me to consider.

#### **Background: your original request**

In your original request you sought information that related to a complaint that had been made to the Ombudsman.

More specifically in relation to that complaint you sought:

- the job title of the person who originally rejected the complaint; and
- the job title(s) of any other PHSO personnel who originally considered and confirmed the rejection of the complaint.

You also asked for information regarding these members of staff such as:

- the total number of cases the person who originally rejected the complaint considered in the six-month period immediately preceding the date of the original rejection of the complaint;
- the number of cases the person who originally rejected the complaint rejected in the six-month period immediately preceding the date of the original rejection of the complaint;
- the total number of cases the person who ultimately considered and confirmed the original rejection of the complaint considered and confirmed in the six-month period immediately preceding the date of the original rejection of the complaint; and



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- the number of cases the person who ultimately considered and confirmed the original rejection of the complaint rejected in the six-month period immediately preceding the date of the original rejection of the complaint.

### **Background: our original response**

By email dated 30 December 2014 Ms Gasston, DPA/FOI Officer, explained that she was not able to discuss the specific details of any matter that involves the personal information of an individual (the person whose case you refer to and that of the staff members involved.)

Therefore she explained that she was unable to provide you with any information that would directly answer your queries in accordance with section 40(2) of the Freedom of Information Act (FOIA).

Ms Gasston also identified that in relation to the individual performance data that you were seeking she was also unable to release any information under section 40(2) of the FOIA as this information is personal to another individual.

In an effort to assist she noted that:

- (a) you may be interested in our general statistical data available in the publications of our Annual Report available at [www.ombudsman.org.uk/a-voice-for-change](http://www.ombudsman.org.uk/a-voice-for-change)
- (b) our monthly performance statistics are available on our website at: [www.ombudsman.org.uk/improving-public-service/performance-statistics](http://www.ombudsman.org.uk/improving-public-service/performance-statistics)

### **Your request for a review:**

In your subsequent email dated 2 January 2015 you requested a review of this matter. You explained in that email that you did not understand:

‘...how all of my requests could possibly be seen as requests for personal information. The job title "caseworker", for example, identifies no one.’

You requested that as part of our review we explicitly state which of your requests we considered to be requests for personal information.

### **My Review:**

At the outset of this review I wanted to explain that I fully understood your reason for seeking a review. In essence your concern is that as an individual is not identifiable from,

for example, a job title or statistics, your request cannot amount to one which is for personal information.

Whilst I fully understand and appreciate your concern having reviewed this matter I am satisfied with our overall conclusion in this case. In particular I am satisfied that it is possible to identify the individuals in question and that as a consequence their job titles and the statistical performance related information you requested is personal to those individuals. As such all of the points listed above amount to requests for personal information.

I am sorry that we did not explain this in our original decision but I can also see that at least the first two points of your request listed above related to a specific complaint to the Ombudsman. Given that our investigations are conducted in private and subject to a statutory prohibition or bar contained within the Health Service Commissioners Act 1993 for that additional reason I am satisfied we could not provide you with the information you sought as summarised in the first two bullet-points above. I therefore consider that we have met all of our obligations to you under information access legislation.

That concludes my review. If you consider that I have not dealt with your information request properly you can raise the matter with the Information Commissioner. He can be contacted at:

**The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5A**

Yours sincerely



**Steve Brown  
Head of Risk and Assurance**