

Subject Access Request Team
The Kernow Building
Wilson Way
Pool, Redruth
Cornwall
TR15 3QE.

Tel: 01209 20 40 07/08/09/10
email: cpn-tr.subjectaccessrequest@nhs.net

DATE

Our ref:
Your ref:

CONFIDENTIAL
ADDRESS

Dear

Please find attached the records you have requested that are held by Cornwall Partnership NHS Foundation Trust.

The information we hold that constitutes your personal and sensitive data is held by the Trust to primarily provide, support and record the direct health care services you have accessed in accordance with our statutory obligations as a Health Care Provider.

Data is retained in accordance with the Records Management Code of Practice for Health and Social Care 2016, and will be shared with other health & social care providers for direct care. A list of the data flows and sharing together with the conditions for processing can be found on the Trust's website.

Please note that we have had to **redact or remove** some information from the records provided.

Section 45 (4) (a)-(e) of the Data Protection Act 2018 allows CFT to restrict the fundamental rights and legitimate interests of an individual where it is a necessary and proportionate measure.

In coming to the decision to withhold information we have tried to balance your rights under Section 45 (1) and (2) of the Data Protection Act 2018 with the competing rights of others. We have looked at the nature of the information held and have made the judgement that it is not appropriate to release the withheld information.

Cornwall Partnership NHS Foundation Trust is committed to improving the health and wellbeing of patients, carers, staff and visitors and operates a Smokefree Policy. This means smoking is prohibited in all Trust premises ie buildings, grounds and vehicles. If you are a smoker ask any member of staff for free support.

We are a research active trust, to get involved in a research project, please email cpn-tr.CFTresearch@nhs.net

For information on mental health medication visit choiceandmedication.org/cornwall

Chair: Dr Barbara Vann **Chief Executive:** Phillip Confue
Head Office: Carew House, Beacon Technology Park, Dunmere Road, Bodmin, PL31 2QN
Tel: 01208 834600 Email: cpn-tr.enquiries@nhs.net



We formally therefore need to inform you under Section 45 (5) of the Data Protection Act 2018 that your rights under Section 45 (1) have been restricted because one or more of the conditions in Section 45 (4) (a)-(e) are engaged.

Section 5 (1) of Part 2 of Schedule 3 of the Data Protection Act 2018 provides an exemption where the right of access does not apply to health data where the **serious harm test is met**. The Trust has sought and formally recorded the advice of a responsible clinician and we have been advised that at this time, the provision of the information would have a detrimental effect and therefore cannot be released.

We formally therefore need to inform you under Section 45 (5) of the Data Protection Act 2018 that your rights under Section 45 (1) have been restricted because the exemption under Section 5 (1) of Part 2 of Schedule 3 is engaged.

You have a right to make a request to the Information Commissioner's Office under Section 51, as well as lodge a complaint and can also apply to the courts under Section 167.

The contact details for the Information Commissioner's Office are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

0303 123 1113

The Data Protection Act 2018 provides a number of rights for the individual as to what is recorded and how it is used. If you wish to exercise any of these rights which include the right to rectification, erasure, restrict processing or to object to processing please contact Information Governance 01208 834495 or e-mail cpn-tr.infogov@nhs.net for advice and guidance.

If you wish to lodge a complaint about the Trust and how it processes your data please contact the Trust's complaints department Tel: 01208 834620.

Yours sincerely
Subject Access Request Team