

C Shah

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Ref: 7913

Information Governance

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Date: 12 October 2018

Dear C Shah,

Freedom of information request

I am writing to confirm that I have now completed my search for the information which you requested on 28 August 2018, as outlined below:

'Please provide the following information in respect of Brecknock Dental of 37 Brecknock Road, London N7 0BT (the "Practice") in relation to each year from 1995 to date:

1. *The total number of patients that were seen in the Practice.*
2. *The number of NHS patients that were seen in the Practice.*
3. *The NHS targets that the Practice had to meet under the relevant NHS contract and data as to whether or not the targets were met.*
4. *The UDA rates of the Practice.*
5. *The total number of UDAs claimed by the Practice with (i) a breakdown of UDAs per dentist and (ii) a breakdown of what the UDAs related to.*
6. *The total amount of fees received by the Practice in respect of NHS patients with a breakdown of what the fees related to.*
7. *The amounts paid by the NHS to the Practice with a breakdown of what the payments related to.*
8. *The total number of check-ups carried out by the Practice.*
9. *The number of check-ups carried out by the Practice on the NHS.*
10. *The total number of tooth extractions carried out by the Practice.*
11. *The number of tooth extractions carried out by the Practice on the NHS.*
12. *The total number of root canal treatments carried out by the Practice.*
13. *The number of root canal treatments carried out by the Practice on the NHS.*
14. *The total number of periodontal treatments carried out by the Practice.*
15. *The number of periodontal treatments carried out by the Practice on the NHS.*
16. *The total number of specialist periodontal referrals of patients made by the Practice.*
17. *The number of specialist periodontal referrals of its NHS patients made by the Practice.*

Please accept my sincerest apologies for the delay in this response. This was due departmental issues, delaying the provision of the information. I take my responsibility to

respond to FOI requests within the required timescales seriously and unfortunately on this occasion I have not been able to do so.

1995 to 2007

I am writing to advise you that following a search of our paper and electronic records, I have established that the information for 1995 to 2007 is not held by the NHS Business Services Authority. This is because the NHSBSA only data for 2008/09 onwards.

2008/09 Onwards

See the attached information. For each question I have highlighted below where you can locate the information requested within the attached documents. Some of the information is not held. Where that is the case I have indicated that below.

1. The total number of patients that were seen in the Practice.

Page 3 – ‘Patients treated (general)’ and ‘Patients treated (orthodontic)’.

2. The number of NHS patients that were seen in the Practice.

Page 3 – ‘Patients treated (general)’ and ‘Patients treated (orthodontic)’.

3. The NHS targets that the Practice had to meet under the relevant NHS contract and data as to whether or not the targets were met.

Page 3 – Targets - ‘Contracted general activity (UDA)’ and ‘Contracted orthodontic activity (UOA)’. Achieved – ‘General activity scheduled (UDA)’ and ‘Orthodontic activity scheduled (UOA)’.

4. The UDA rates of the Practice.

Please see the attached spread sheet titled ‘UDA Rates’.

5. The total number of UDAs claimed by the Practice with (i) a breakdown of UDAs per dentist and (ii) a breakdown of what the UDAs related to.

Page 6 – ‘Performer Summary’. Page 3 – General Activity – Breakdown of Activity’.

6. The total amount of fees received by the Practice in respect of NHS patients with a breakdown of what the fees related to.

Page 3 – General Activity – Breakdown of Activity’.

7. The amounts paid by the NHS to the Practice with a breakdown of what the payments related to.

Please see the attached spread sheet titled, “Payments spread sheet”. Please note that some payments have been combined under “other payments” and “other deductions”. The information held for these payments is at a granularity which are personal to specific dentists, including things like sickness pay. That level of information falls under the exemption in section 40 subsections 2 and 3 (a) of the Freedom of Information Act. This is because it would breach the first data protection principle as:

- a) it is not fair to disclose ,a dentists' personal details to the world and is likely to cause damage or distress.
- b) these details are not of sufficient interest to the public to warrant an intrusion into the privacy of the dentist's.

The attached annex A to this letter sets out the exemption in full.

8. The total number of check-ups carried out by the Practice.

Page 5 – 'Examination – Number'

9. The number of check-ups carried out by the Practice on the NHS.

Page 5 – 'Examination – Number'

10. The total number of tooth extractions carried out by the Practice.

Page 5 – 'Extractions – Number'

11. The number of tooth extractions carried out by the Practice on the NHS.

Page 5 – 'Extractions – Number'

12. The total number of root canal treatments carried out by the Practice.

Page 5 – 'Endodontic Treatment – Number'

13. The number of root canal treatments carried out by the Practice on the NHS.

Page 5 – 'Endodontic Treatment – Number'

Non-NHS treatment

I am writing to advise you that following a search of our paper and electronic records, I have established that the information you requested is not held by the NHS Business Services Authority.

Questions 14 to 17 – Periodontal Treatment

I am writing to advise you that following a search of our paper and electronic records, I have established that the information you requested is not held by the NHS Business Services Authority. Details of these treatments are not captured.

Please note that this information will be published on our Freedom of Information disclosure log at:

https://apps.nhsbsa.nhs.uk/FOI/foiRequestDetail.do?bo_id=7913

Your personal details will be removed from the published response.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988 and is subject to NHSBSA copyright. This information is licenced under the terms of the Open Government Licence detailed at:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

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<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Failure to do so is a breach of the terms of the licence.

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If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of my decision, please write within 40 working days of the date of this letter to:

Gordon Wanless
Head of Information Governance
NHS Business Services Authority
Stella House
Goldcrest Way
Newburn Riverside Business Park
Newcastle upon Tyne
NE15 8NY

Details of how we will handle your review request are available on our website at:

<http://www.nhsbsa.nhs.uk/Documents/NHSBSACorporatePoliciesandProcedures/DPre-usePSIEIRandFOIInternalReview.pdf>

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally, the ICO cannot make a decision unless you have exhausted the NHS Business Services Authority's complaints procedure.

The Information Commissioner can be contacted at:-

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

Tel: 01625 545 745
Fax: 01625 524 510
Email: enquiries@ico.gsi.gov.uk

If you have any queries about this letter, please contact me. Please quote the reference number above in any future.

Yours sincerely

A handwritten signature in black ink, appearing to read "CDunn". The letters are cursive and fluid.

Chris Dunn
Information Governance Assistant

Annex A

Section 40 - Personal information

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if -

- a. it constitutes personal data which does not fall within subsection (1), and
- b. the first, second or third condition below is satisfied.

(3A)

The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

- (a) would contravene any of the data protection principles, or
- (b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

(4A) The third condition is that—

- (a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or
- (b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

(5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles, or

(ii) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded;

(b) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene Article 21 of the

GDPR (general processing: right to object to processing);

(c) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for confirmation of whether personal data is being processed, the information would be withheld in reliance on a provision listed in subsection (4A)(a);

(d) on a request under section 45(1)(a) of the Data Protection Act 2018 (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section

(6) In this section—

“the data protection principles” means the principles set out in—

(a) Article 5(1) of the GDPR, and

(b) section 34(1) of the Data Protection Act 2018;

“data subject” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“the GDPR”, “personal data”, “processing” and references to a provision of Chapter 2 of Part 2 of the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(2), (4), (10), (11) and (14) of that Act).

(7) In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second sub-paragraph (disapplying the legitimate interests gateway in relation to public authorities) were omitted.”