

Alison Stevens

Dear Ms Stevens,

**Re: FOI-2018-4254
Your request for information
Freedom of Information Act 2000**

We write further to your emails dated 22 August 2018, in which you made a number of requests for information, and our subsequent correspondence. We apologise for the delay in sending this information to you.

Your requests for information are being handled under the Freedom of Information Act 2000.

We confirm that we hold information of the description specified in your requests. We have set out each of your requests (verbatim) and our response, below.

1 – ‘How many drug errors have there been with regards to all Children within the Hospital Trust in the last 12 calendar months?’

The Trust promotes a proactive reporting culture among all of its staff so that any potential medication errors (including near misses or incidents resulting in no harm) are reported in order to learn from such incidents or near misses and take effective and sustainable actions to reduce the risk of similar incidents occurring again.

For the period 22 August 2017 to 21 August 2018, 1136 medication errors were reported.

Medication errors are categorised by the degree of harm caused. A breakdown is provided in **Enclosure 1**.

When categorising the degree of harm caused by medication errors, the Trust uses the following definitions in accordance with national guidance:

- None – a situation where no harm occurred: either a Prevented Patient Safety Incident or a No Harm Patient Safety Incident.
- Low – any unexpected or unintended incident which required extra observation or minor treatment and caused minimal harm, to one or more persons.
- Moderate – any unexpected or unintended incident which resulted in further treatment, possible surgical intervention, cancelling of treatment, or transfer to another area and which caused short term harm, to one or more persons.
- Severe – any unexpected or unintended incident which caused permanent or long term harm, to one or more persons.
- Death – any unexpected or unintended incident which caused the death of one or more persons.

2a – ‘How many times has the trust breached the new GDPR policy of 25.5.2018 in the past 4 calendar months?’

The Trust promotes a proactive reporting culture in order that any potential data protection incidents (including near misses or incidents resulting in no harm) are reported to allow the Trust to learn from such incidents and near misses and take effective and sustainable actions to reduce the risk of similar incidents occurring again.

For the period 25 May 2018 to 26 September 2018, 50 data protection incidents were reported.

Data protection incidents are categorised by whether they relate to clinical or non-clinical settings, the nature of incident, and the degree of harm caused. A breakdown is provided in **Enclosure 2**.

When categorising the degree of harm caused by data protection incidents, the same definitions as set out in response to request 1 apply.

Please note that not every data protection incident reported amounts to a personal data breach within the meaning of the GDPR.

2b – ‘Please disclose how many breaches were there with regards to Subject access request s under the new GDPR policy in the past 4 calendar months?’

Between 25 May 2018 and 25 September 2018, 71 subject access requests were not responded to within one month of receipt of the request, as required by Article 12 of the GDPR.

2c – ‘In how many of these statistics were Parents denied getting files on their child’s medical notes and documents about themselves please give statistics for the past 4 calendar months?’

None.

3a – ‘How many breaches have there been with regards to the old Data protection policy under section 7 of the Data protection act 1998 please give statistics for the period before the new policy came out on 25.5.2018. the past 12 calendar months?’

Between 25 May 2017 and 25 May 2018, 64 subject access requests were not responded to within 40 calendar days, as required by section 7 of the Data Protection Act 1998.

3b – ‘How many parents were denied to see their children’s files as well as data held about themselves under the old Data protection policy please provide the statistics for the past 12 calendar months before the new policy came out?’

None.

3c – ‘How many breaches of the 30 working day timescale have there been with regards to subject access requests under the new GDPR policy please give statistics for the past 4 calendar months?’

There is no ‘30 working day timescale’ under the GDPR.

Please see our response to request 2b.

3d – ‘Can you please provide me with a copy of the Trusts new GDPR policy and clarify how data is saved what sort of computer system holds this data and how the Trusts protects persons data securely?’

We enclose copies of the Trust’s new GDPR policy: ‘Confidentiality Code of Conduct’.

The Trust stores patient data primarily on its Electronic Patient Record (Meditech version 6), which was upgraded to a Windows based platform in 2015. It also utilises a separate specialised electronic system in the Intensive Care Unit and Neonatal unit (BadgerNet). In addition there is a linked system used across the NHS to record and report diagnostic tests (PACS/CRIS). Paper

case notes, where they exist, are scanned in to a secure Electronic Document Management system (ImageNow). Data are stored on a best of breed storage system and access to the data is strictly controlled. The data are backed up regularly.

3e – ‘How many times has the trust breached the GDPR with regards to Patients secure data ? please give statistics for the past 4 calendar months?’

Please see our response to request 2a.

4 – ‘Please also supply information regarding children data requested by parents under the new GDPR policy and the old 1998 policy’

Please see our responses to requests 2b, 2c, 3a and 3b.

If you are dissatisfied with the handling of your request, you have the may request an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Information Governance Team,
Oncology Old Site
Alder Hey Children’s NHS Foundation Trust
Eaton Road
Liverpool
L12 2AP

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Tel: 0303 123 1113

Email: casework@ico.org.uk

Yours sincerely,

Information Governance Team
Corporate Affairs

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