

Please reply to:

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By Email

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Our ref: Outcome of internal review into FOI 6264

25 January 2021

Dear Geoff Lovell

Thank you for your email of 23 December 2020 where you requested an internal review into the response to your FOI request which is attached.

You wrote as follows:

I am writing to request an internal review of Surrey and Sussex Healthcare NHS Trust's handling of my FOI request 'Mr Alan James Consultant'.

Why are the trust hiding behind GDPR.

The information is public domain and would be held in Human resources records.

Your excuses for release are facile.

I have now conducted an internal review and the response is below.

We conclude that:

The response issued below was compliant with the terms of the FOI Act and an appropriate response. I do believe however that the opening wording to question 2 (below) has provided cause for challenge. The 'phrase we are relying' has indicated that we are choosing not to disclose, information as you highlight.

Condition s40(3)(a)i prevents us from releasing this information.

To avoid confusion we should have commenced our reply at 'The exemption contained in s40 (2) and condition in s40(3)(a)i, which prevents us from disclosing personal data if by doing so we would breach any of the data protection principles....'.

Apologies for any inconvenience this may have caused.

1. Can you publish in full all the details of Mr James arrest, which is public domain material. The Trust does not hold this information.

2. What for and why he has returned as head of endoscopy? The exemption contained in s40 (2) and condition in s40(3)(a)i, which prevents us from disclosing personal data if by doing so we would breach any of the data protection principles. We do not believe that staff would expect us to process their personal data in this way and conclude that disclosure would breach the first data protection principle, which requires us to process personal data fairly and lawfully.

3. Who replaced him as trauma lead? Mr James was replaced by Mark Salmon.

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

<http://ico.org.uk>

Yours Sincerely



Colin Pink
Head of corporate governance
Surrey and Sussex Healthcare NHS Trust