

**Information Governance**  
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S Carroll

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Website: [www.nhsbsa.nhs.uk](http://www.nhsbsa.nhs.uk)

Date: 17 August 2021

Ref: 15955

Dear S Carroll

**Subject: Freedom of information request**

I am writing to confirm that I have now completed my search for the information which you requested on 20 July 2021 as outlined below:

*Dear NHS Business Services Authority, I writing to request under the Freedom of Information Act 2000 to Request the following information fro EIBSS. Can you please provided the commutation (whether by letter or email) between EIBSS & Russell-Cooke for the data matching exercise undertaken in regards to the parity announcement of the 25th of March. When was the request made by EIBSS (for the 200 files needed to complete the parity exercise) to Russel-Cooke?*

**Response**

A copy of the information is attached with some information redacted as follows.

Please be aware that I have decided not to release full details of all staff as this information falls under the exemption in Section 40 subsections 2 and 3(A)(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 these people's personal details to the world and is likely to cause damage or distress to staff
- b) These details are not of sufficient interest to the public to warrant an intrusion into the privacy of those staff.

Annex A at the end of this letter sets out the exemption in full.

**Data Queries**

If you have any queries regarding the data provided, or if you plan on publishing, or producing a press article based upon the data please contact [nhsbsa.help@nhs.net](mailto:nhsbsa.help@nhs.net)

ensuring you quote the above reference. This is important to ensure that the figures are not misunderstood or misrepresented.

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Should you wish to re-use the information you must include the following statement: "EIBSS, NHSBSA Copyright 2021" This information is licenced under the terms of the Open Government Licence:

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

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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:

Chris Gooday  
Information Governance Manager  
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:

<https://bit.ly/2Sjdk2H>

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  
[icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)

<https://ico.org.uk/global/contact-us/email>

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 that reads "CDunn". The letters are cursive and connected.

**Chris Dunn**  
**Information Governance Specialist**

## 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.”