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Darlington Memorial Hospital
Hollyhurst Road
Darlington
DL3 6HX
Switchboard Tel: 01325 38 0100
Foundation Trust Office: 01325 74 3625
Corporate Records Office: 01325 74 3700

Request for Information Reference: 04.18.04

Direct line: 01325 743700
Email: cdda-tr.cddftfoi@nhs.net

Email only

1 May 2018

Freedom of Information Act 2000 – Request for Information

Thank you for your request for information received on 3rd April 2018 in relation to the County Durham and Darlington NHS Foundation Trust (Trust). We are dealing with your request under the provisions of the Freedom of Information Act 2000.

You requested information regarding treatment provided to the named patient. Specifically you asked for:

The cost of all treatment/s for the said patient relating to his eyes since 1st January 2017?

If no cost is held, please disclose the typical/average cost of each treatment for the named patient provided by the Trust since 1st January 2017?

County Durham and Darlington NHS Foundation Trust replies:

The Trust applies the following principles to any request under the Freedom of Information Act which, even by implication, requires disclosure of part of a third party's medical history. We consider that your request falls into this category because disclosure of the costs of any treatment which may, or may not, have been provided – even average or typical costs per treatment - would confirm and publish the fact of any such treatment. The Trust does not have patient-level costing in place.

1. Medical history is sensitive personal information under the Data Protection Act (DPA) 1998 and on that basis we need to consider the conditions listed in Schedule 2 and Schedule 3 of the first DPA principle. Unless the information is already in the public domain we would require either the third party's consent or a legitimate reason to disclose it.
2. The Trust therefore considers that, in any such request, the exemption under Section 40(2) of the Freedom of Information Act concerning 'Personal information about third parties where disclosure would be in breach of the Data Protection Act' is engaged. Under Section 40(2) of the Act, information which constitutes personal information about a third party will be exempt if

disclosure of third party personal information would breach any of the data protection principles (Section 40(3)).

3. The information can be disclosed where the public interest in disclosure outweighs the public interest in exempting the information from disclosure. The Freedom of Information Act promotes an overall public interest in transparency; however, we do not consider that this extends to the publication of sensitive personal information, such as medical records, in contravention of the Data Protection Act and other legal obligations such as the Caldicott regulations and the duty of confidentiality that exists between medical professionals and their patients. Individuals have a right to expect that such information is subject to the strictest confidentiality and protected from disclosure, and will have no expectation of it being disclosed. Publication of sensitive medical records would be likely to cause prejudice to an individual, because of the disclosure of information that is fundamentally private. As a matter of principle Trust's view is that there is a strong public interest therefore in with-holding the publication of personal medical information, which outweighs the general interest in transparency.

In line with the principles above, the Trust is therefore refusing your request for information and relies upon Section 40(5) of the Act with respect to the duty to confirm or deny whether information is held.

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the County Durham and Darlington NHS Foundation Trust website.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the way your request for information has been handled, you can request a review by writing to:

The Chief Executive
County Durham & Darlington NHS Foundation Trust
Darlington Memorial Hospital
Hollyhurst Road
Darlington
DL3 6HX

If, you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113
Website: www.ico.gov.uk.

There is no charge for making an appeal.

Yours sincerely

Joanna Tyrrell
Freedom of Information Officer