

Freedom of Information Request

Reference Number: EPUT.FOI.24.3597

Date Received: 24.06.2024

Information Requested:

This is an information request relating to data breaches.

Please include the following information each of the following financial years 2021/22, 2022/23 and 2023/24:

1. The number of data breaches have occurred
Section 31 exemption applied
 2. How many people were affected in each data breach
Section 31 exemption applied
 3. Total number of claims made against the NHS Trust.
Please note the link below to the NHS Resolution Fact Sheet 5 which details the number of claims per member of the schemes for the period 2021/22.
Future publications of Fact Sheet 5 will provide details for the periods 2022/23 and 2023/24 and we are therefore applying the Section 22 exemption for these periods.
<https://resolution.nhs.uk/resources/factsheet-5-2021-2022/>
 4. Total number of claims that have been upheld.
Please note the link below to the NHS Resolution Fact Sheet 5 which details the number of claims per member of the schemes for the period 2021/22.
Future publications of Fact Sheet 5 will provide details for the periods 2022/23 and 2023/24 and we are therefore applying the Section 22 exemption for these periods.
<https://resolution.nhs.uk/resources/factsheet-5-2021-2022/>
 5. Total cost that has been paid out each year.
Please note the link below to the NHS Resolution Fact Sheet 5 which details the number of claims per member of the schemes for the period 2021/22.
Future publications of Fact Sheet 5 will provide details for the periods 2022/23 and 2023/24 and we are therefore applying the Section 22 exemption for these periods.
<https://resolution.nhs.uk/resources/factsheet-5-2021-2022/>
 6. The largest payout given to a single person each year.
A pay-out does not necessarily relate to the year a claim was raised therefore we are unable to provide this information.
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31 Law enforcement.

(1)Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders,
- (c) the administration of justice,
- (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
- (e) the operation of the immigration controls,
- (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
- (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
- (i) any inquiry held under the [F1Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016] to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.

(2) The purposes referred to in subsection (1)(g) to (i) are—

- (a) the purpose of ascertaining whether any person has failed to comply with the law,
- (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
- (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
- (d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on,
- (e) the purpose of ascertaining the cause of an accident,
- (f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,
- (g) the purpose of protecting the property of charities from loss or misapplication,
- (h) the purpose of recovering the property of charities,
- (i) the purpose of securing the health, safety and welfare of persons at work, and
- (j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

Section 22 – information held with a view to its future publication

- Section 22 provides an exemption for information that is intended to be published in the future.
- Information is exempt if, at the time when the public authority receives a request for it:
 - the public authority holds the requested information;
 - the public authority intends the information to be published at some future date, whether that date is determined or not; and
 - in all the circumstances it is reasonable to withhold the information until its planned publication.
- It is a qualified exemption and therefore public authorities must consider whether the public interest in maintaining the exemption is greater than the public interest in disclosing the requested information.
- The duty to confirm or deny whether information is held does not apply where to do so would disclose information that would be exempt under section 22.
- The duty to confirm or deny is subject to a public interest test.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT's Publication Scheme is located on its Website at the following link <https://eput.nhs.uk>