

Freedom of Information Request

Reference Number: [EPUT.FOI.23.3132](#)
Date Received: [12th September 2023](#)

Information Requested:

Under the Freedom of Information Act 2000, I would like to know:

1. The number of your doctors that have returned to work for your organisation after having previously retired.

Year in which doctor retired & returned	Number of doctors that retired & returned
1st July 2018 to 30th June 2019	<5
1st July 2019 to 30th June 2020	<5
1st July 2020 to 30th June 2021	<5
1st July 2021 to 30th June 2022	<5
1st July 2022 to 30 th June 2023	<5

a) I'd like this information for each of the last five years, with June 30 as year-end. If this is not possible then please use the year-end used internally by the organisation.

[Please note that the Trust's policy is not to provide patient or staff numbers, where the response is less than or equal to five \(\$\leq 5\$ \) as it would potentially allow identification of the individual patient/staff and would therefore be personal data.](#)

[The Trust considers that release of that information would breach GDPR/DPA18 principles on the grounds that it would not be fair in all the circumstances. This information is therefore exempt under section 40 of the FOI Act 2000.](#)

b) If you are unable to provide numbers for both the annual allowance tax charges and the lifetime allowance tax charges, please prioritise data for the annual allowance tax charges. [The Trust nor its external payroll provider have access to this information therefore we are unable to provide information.](#)

c) If you are unable to provide five years of data, please provide four years of data, if you are unable to provide four years of data, please provide three years of data, and otherwise please provide data for the last two years. If this is not possible, then please provide data for the last year.

[Please see response for a\) above](#)

Applied Exemption:

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 do not fall within subsection (1), and
 - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
 - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
 - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 2018 (which relate to manual data held by public authorities) were disregarded.
- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).
- (5) The duty to confirm or deny—
 - (a) 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), and
 - (b) does not arise in relation to other information if or to the extent that either—
 - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 2018 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
 - (ii) by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).
- (6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 2018 shall be disregarded.

- (7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 2018, as read subject to Part II of that Schedule and section 27(1) of that Act;
- “data subject” has the same meaning as in section 1(1) of that Act;
 - “personal data” has the same meaning as in section 1(1) of that Act.
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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>