

10 August 2022

Data Assess Request for Deceased Patient

1. Emails sent by Brian McGarry to staff in relation to data access requests, including but not limited to emails to Mary Kate Kelly, Mary Fagan, Tammy Taggart and Sinead McDonald.

Please see response below.

2. Emails sent by any other staff in RVH Medical Legal to these individuals and any other staff members in relation to our data access requests.

Please see response below.

3. Any and all notes/correspondence/reports etc related to a Morbidity and Mortality meeting held following my father's death on 21 October 2019, at which his case was discussed.

This patient was not discussed at a Morbidity and Mortality meeting following his death.

4. Any other notes/correspondence/reports etc following my father's death (not already provided) and related to our complaints.

Please see response below.

5. Records / notes related to contract meetings between Belfast Trust and North West Care in which my father was mentioned or our complaints and communication with the Trust / NWC / PCC / RQIA / HSCB / BSO / HSC Leadership Centre have been mentioned since 6 October 2019 to date.

Annual contract meetings between the Trust and a provider are not utilised to address individual patient complaints and therefore there are no such records.

In respect of the latter part of Q5, please see response below.

6. Any records related to the HSC Leadership Centre's "independent review" on our father's fall and death.

The independent review is ongoing. The HSC Leadership Centre will be producing a report of the investigation which will be shared with the Trust and family.

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The information requested is exempt from release under Section 40(2) of the Freedom of Information (FOI) Act 2000 taking into consideration the first Principle of the Data Protection Act (DPA). This particular exemption applies to information constituting Sensitive Personal Data and it allows, amongst other things, that personal data may be withheld if its disclosure would be to someone other than the data subject and the disclosure would contravene any Principles of the DPA. *As some of the information about the deceased comprised personal data of the third parties, under the Data Protection Act, the Trust has considered that disclosure of any of the deceased person's records would contravene the Data Protection Principles as outlined above.*

The information is also exempt from release under Section 41 of the FOI Act which relates to Information Provided in Confidence. *It is likely the information was given to medical staff during consultations or other information recorded by health professionals concerning the medical care and treatment of the patient.* The Trust have a duty of confidence which survives the death of an individual to whom it is owed.

Further information on these exemptions can be found on the Information Commissioners website – links included below for ease of reference.

[Document history and version control \(ico.org.uk\)](https://ico.org.uk/information-provided-in-confidence-section-41.pdf)
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