

Reference:	FOI.17644.25
Subject:	Clinical negligence claims
Date of Request:	26 June 2025

Requested:

Part A: Radiology Claims

Equivalent to NHS Resolution FOI_6728, covering claims where the Primary Specialty is 'Radiology':

1. Number of claims received by financial year and aggregated over the 5 years
2. Claims settled with damages - broken down by:
 - Primary Cause (by financial year and aggregated over the 5 years)
 - Primary Injury (by financial year and aggregated over the 5 years)
 - NHS Health Board (by financial year and aggregated over the 5 years)
3. Claims closed with nil damages

Part B: Emergency Medicine Fracture Claims

Equivalent to NHS Resolution FOI_7205, covering claims where:

- Primary Specialty is 'Emergency Medicine'
 - Primary Injury is 'Fracture' or 'Poor Outcome - Fractures Etc.'
 - Primary Cause includes failure to interpret X-rays, delay in diagnosis, wrong diagnosis, etc.
4. Number of claims received by each NHS Health Board
 5. Claims settled with damages by each NHS Health Board

Response:

Hywel Dda University Health Board (UHB) does not hold information for all Health Boards in NHS Wales and is therefore unable to provide you with all the information requested. The UHB can only provide the information it holds.

The UHB is unable to provide you with the information broken down into financial years as requested, due to the low number of cases (less than 5), as there is a potential risk of identifying individuals if the details requested for each year was disclosed. Therefore, the UHB is withholding these details under Section 40(2) of the Freedom of Information Act 2000 (FoIA).

Additionally, it is not within the expectation of these individuals that their personal data would be put into the public domain. This information is classed as personal data of a third party. Therefore, it is being withheld in accordance with the exemption set out in section 40(2) of the FoIA, by virtue of section 40(3)(a) of the FoIA, which permits a public authority to withhold personal data other than the requestor's where the disclosure would breach Data Protection principles.

This information is protected by the Data Protection Act 2018 (DPA)/UK General Data Protection Regulations, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles of the UK GDPR. This exemption is absolute and therefore, there is no requirement to apply the public interest test.

In reaching this decision, the DPA and UK GDPR define personal data as data that relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.

However, whilst operating in accordance with the Section 45 Freedom of Information Code of Practice, the UHB has a duty to provide advice and assistance and provides the information in the accessible format held below.

1. The UHB does not hold the information exactly as requested, as the data is held in calendar years not financial years. Therefore, the UHB confirms that a total of thirteen (13) radiology claims were received during the 2020 to 2024 calendar years.
2. The UHB confirms that six (6) radiology claims were closed during the 2020 to 2024 calendar years, with a total settlement figure of £4.4million.
3. A Section 40 exemption has been applied.
4. The UHB does not hold the information exactly as requested as it records the name of the claim differently to that requested, and again the information is held by calendar year. Therefore, the UHB confirms that a total of five (5) fracture management, missed or delayed diagnosis claims were received during the 2020 to 2024 calendar years.
5. The UHB confirms that five (5) fracture management, missed or delayed diagnosis claims were closed and settled with damages during the 2020 to 2024 calendar years.