

Reference:	FOI.16761.25
Subject:	Deprivation of Liberty
Date of Request:	6 March 2025

Requested:

1. How many Deprivation of Liberty orders has Hywel Dda Health Board applied to the Court of Protection for in 2023/24?
2. Out of those applications, how many of the individuals were living in the community at the time?
3. How many of those individuals have since moved and are no longer living in the community?
4. How many of those individuals have become ineligible for NHS Continuing Health Care?
5. How many Deprivation of Liberty orders has Hywel Dda Health Board applied to the Court of Protection for so far in 2024/25?
6. Out of those applications, how many of the individuals were living in the community at the time?
7. How many of those individuals have since moved and are no longer living in the community?
8. How many of those individuals have become ineligible for NHS CHC?
9. How many of those individuals are still eligible for NHS Continuing Health Care but have their eligibility under review?

Response:

1. & 5. Hywel Dda University Health Board (UHB) provides within the table below, the number of Court of Protection (COP) applications for Deprivation of Liberty orders brought by the UHB, as recorded on its Datix Incident and Risk reporting system, during the 2023/24 financial year and the period 1 April 2024 to 6 March 2025 (the date of your request).

Financial year	Total
2023/24	8
1/4/2024 to 6/3/2025	10
Total	18

A Section 40 exemption of the Freedom of Information Act 2000 (FoIA) has been applied to the remainder of your request as follows:

The UHB is withholding the requested information, due to the low number of cases (5 and under) as there is a potential risk of identifying individuals if this 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.