

Reference:	FOI.8386.22
Subject:	Recent correspondence to Hywel Dda University Health Board
Date of Request:	1 February 2022

Requested:

Received by Patrycja Duszynska, Head of Information Governance on the 16 February 2022, containing four (4) questions as follows:

1. Would you please confirm the HDUHB information and whether you are still HDUHB Data Controller.

I understand from your email 01 Feb 2022 at 16:44, that you are now Head of HDUHB Information Governance.

2. Would you please confirm that my understanding is correct.
3. Would you please confirm that HDUHB Information Governance collected, collated and secured my HDUHB Clinical Records for delivery and access.
4. Would you please detail receipt of response request for email Subject - Telephone Clinical Consultation.

FOI 8279

Received by Jill Paterson, Executive Director of Primary Care, Community and Long Term Care on 15 and 16 February 2022, containing four (4) questions as follows:

1. Would HDUHB Primary Care Directorate confirm that all withheld telephone number Primary Care, Clinical Consultations are logged and recorded?
2. Would you please confirm the age demographic, in five year intervals, of Tenby Surgery Patient Data Base?
3. Would you please confirm how many of Tenby Surgery Patients are listed as mobile phone contacts?

I understand (HDUHB FOI/3184/20) that Mr Mander is no longer an HDUHB Information Governance Manager and transferred to HDUHB Corporate Governance Directorate which was headed by Joanne Wilson, Assistant Director of Corporate Services and this then transferred to the Informatics Division, which forms part of the wider Planning, Performance and Commissioning Directorate.

4. Would you please confirm that my understanding is correct?

FOI 8302

Received by Professor Phil Kloer, Medical Director/Deputy Chief Executive Officer on 18 February 2022, containing one (1) question as follows:

1. Would HDUHB please forward the Legal, Financial, Clinical and Administrative reasons for the attendance of a nurse/chaperone's attendance at each of my HDUHB Hospital Consultant Out-patient Clinics?

FOI 8348

Received by Sian-Marie-James, Assistant Director of Corporate Legal Services and Public Affairs on 25 February, containing six (6) questions as follows:

It is my understanding that HDUHB Annual Report and Accounts are Public Documents and as such will be available through the Public Library Service.

1. Would HDUHB Corporate Legal Services and Public Affairs confirm that my understanding is correct?

It is my understanding that Mrs Karen Miles took over responsibility for Health & Care Strategy from Professor Philip Kloer's on 23 January 2020 when Professor Kloer became HDUHB Deputy Chief Executive Officer.

2. Would HDUHB Corporate Legal Services and Public Affairs confirm that my understanding is correct?
3. Would HDUHB Corporate Legal Services and Public Affairs confirm that Mrs Karen Miles relinquished responsibility for Health & Care Strategy on 11th October 2020?
4. Would HDUHB Corporate Legal Services and Public Affairs confirm that Mrs Karen Miles is no longer employed by HDUHB?

I have been informed that HDUHB Assistant Director Corporate Legal Services and Public Affairs reviewed an HDUHB document referenced 17036 dated 15th July 2020 and forwarded it to HDUHB Chief Executive Officer for sign off; and that HDUHB Assistant Director Corporate Legal Services and Public Affairs reports to the HDUHB Board Secretary.

5. Would HDUHB Corporate Legal Services and Public Affairs confirm that I have been informed correctly.
6. Would HDUHB Corporate Legal Services and Public Affairs confirm how I can access the Public Documents HDUHB Annual Report & Accounts 2016/2017, 2015/2016, 2014/2015 and 2013/2015?

FOI 8353

Received by Professor Phil Kloer, Medical Director/Deputy Chief Executive Officer on 11 January 2022, containing two (2) questions as follows:

1. Would HDUHB please confirm Mr A full name and General Medical Council (GMC) registration number whilst working for HDUHB?
 - a. If HDUHB is unable to confirm Mr A full name and GMC registration number please give reasons.

2. Would HDUHB please confirm the full name and GMC registration number of the Senior HDUHB Radiologist that performed an Ultra-sound scan on my abdomen at Withybush Hospital on 26th September 2019?

- a. If HDUHB is unable to confirm the Senior HDUHB Radiologist's full name and GMC registration number please give reasons.

FOI 8355

Received by NE, Information Governance Manager on 25 February 2022 containing one (1) request, as follows:

I note from your email that you are now an HDUHB Information Governance Manager. From past information received from HDUHB Information Office, 17 in your email address denotes that this is the seventeenth position you have held in wales.nhs.uk or you are one of at least seventeen, possibly more, NHS Officers named NE that work in wales.nhs.uk. I understand that you were PA to Mr Huw Thomas. You may wish to enlighten me regarding my understanding of your association with Mr Huw Thomas and the significance of 17 in your email address.

FOI 8386

Received by HJ, Corporate Information Officer on 28 February 2022, containing three (3) questions, as follows:

1. Would HDUHB FOI please confirm that this acknowledgement is in regard to my email dated 25 February 2022, - Subject: Mrs Karen Miles Position / Annual Reports and Accounts and contains six bullet points?
2. Would HDUHB FOI please confirm that HDUHB Corporate Legal Services and Public Affairs will need to provide the information to enable HDUHB FOI to respond to the six bullet points?
3. Would HDUHB FOI please confirm that the information received, to enable response to the six bullet points, will be on record?

FOI 8417

Received by Steven Bennett, Health Records Manager on 4 March 2022, containing ten (10) questions, as follows:

Thank you for your email dated 1st March 2022 13:38.

1. Would HDUHB confirm that it was in response to my email dated 22 February 2022 16:42 that contained three bullet points?
2. Would HDUHB confirm that my original records are Sensitive Person Identifiable Information (SPII)?
3. Would HDUHB confirm how many items of SPII were available for review on 10th February 2022?

4. Would HDUHB confirm that each item of SPII was listed; thereby ensuring proof that each item of SPII was returned to HDUHB Clinical Records at Wylabush Hospital?
5. Would HDUHB confirm the number of items of SPII dated 16/09/2021 that were available for review on 10th February 2022?
6. Would HDUHB confirm that one item of SPII dated 16/09/2021 was correspondence from a HDUHB Consultant (C) to another HDUHB Consultant (A) and referenced: *-Portal vein thrombosis or stricture, splenic vein is quite attenuated, numerous venous collaterals. Clearly has Disconnected Pancreatic Duct Syndrome. Happy to see him for clinical discussion?*
7. Would HDUHB confirm that there was an item of SPII, dated 16/09/2020 from an HDUHB Consultant (B) to another HDUHB Consultant (A) that states *"I spoke to Mr Stevenson and he complained of colicky pain which is situated in the central abdomen and not in the left flank."*
8. Would HDUHB confirm that there was an item of SPII dated 28 April 2021 from HDUHB Consultant (B) that requested a CT Urogram and indicated *Left sided uterine stone. Ongoing left flank pain* as reason for the requested CT Urogram.
9. Would HDUHB confirm that all HDUHB Consultants hold General Medical Council (GMC) Registration?
10. Would HDUHB confirm when HDUHB Consultants (A, B and C) accessed my clinical records manually and electronically?

FOI 8418

Received by Steven Bennett, Health Records Manager, on 7 March 2022, containing four (4) questions.

1. Would you please confirm receipt of my email dated 4th March 2022 14:45?
2. Would you please confirm that my email dated 4th March 2022 contained my responses to your responses dated 1st March 2022?
3. Would you please confirm please confirm that your responses dated 1st March were responses to information requests contained in my email dated 22nd February 2022?
4. Would you, in your HDUHB Clinical Records Manager office please confirm the relevance of the overprinting of an SPII item with the word Legacy?

Following a review of your correspondence, Hywel Dda University Health Board (UHB) has made the decision to refuse some of your requests for information on the basis that the requests will be of little benefit to the wider public. The UHB's reasons are provided in bullet point form below; the remainder of your requests will be answered at the end of this letter.

- The UHB has an obligation to respond to valid requests for information. A valid request for information can be determined using the guidance provided in Section 8 of the Freedom of Information Act 2000 (FoIA). The UHB has drawn the conclusion that (some of) the requests are not valid requests for information and therefore not admissible under FoIA.

- The UHB considers (many of) the requests to be vexatious. Vexatious requests can be determined using the guidance as set out in Section 14 of the FoIA. The points drawn upon by the UHB to reach this decision are provided below:
 - Multiple requests with a similar or related subject matter have been submitted to multiple UHB officers within a short timeframe, the requestor sends in new overlapping requests before the UHB has had an opportunity to address their earlier enquiries.
 - The UHB recognises that (some of) the requests submitted are repetitive and have previously been answered in full by the UHB.
 - The requestor is attempting to reopen an issue which has already been comprehensively addressed by the UHB, or otherwise subjected to some form of independent scrutiny.
 - The UHB believes that the requests are part of a scattergun approach, which lacks any clear focus and are intended to waste time and/or unnecessarily utilise resources for no apparent purpose.
 - A number of the requests are simply trivial or frivolous and require disproportionate effort from UHB officers to handle.
 - The requestor is abusing their rights of access to information by using the legislation to harass and annoy the UHB, for example, by requesting information which the UHB knows them to possess already.

Details of the refused request under Section 8 of the FoIA are as follows:

- FOI 8355 - Received by NE, Information Governance Manager on 25 February 2022.

Details of the refused requests under Section 14 of the FoIA are as follows:

- FOI 8271 – Questions 2 to 4
- FOI 8279 – Question 4
- FOI 8348 – Questions 1 to 5
- FOI 8386 – Questions 1 to 3
- FOI 8417 – Questions 1 to 10
- FOI 8418 – Questions 1 to 4

Our response

FOI 8271

1. The UHB is the Data Controller with overall responsibility for data processing. A description for the role of 'controller' is provided by the Information Commissioner's Office (ICO) as:

“Controller” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data’

FOI 8279

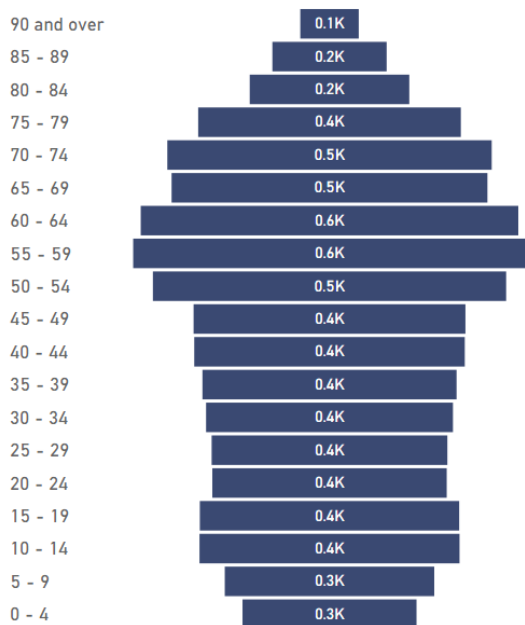
1. The UHB confirms that Primary Care is currently in the process of a two (2) year programme for the implementation of call recording. Therefore, not all GP Practices have this facility as yet, but they will be working towards its implementation.

The individual GP Practices will need to be contacted directly to comment on whether or not this facility is available yet. Please note that there are a number of systems available, with each practice being responsible for purchasing and maintaining their own systems.

Contact details of all GP Practices within the UHB's geographical area are available on NHS Wales Health in Wales website and can be accessed via the following link:

<https://www.wales.nhs.uk/ourservices/directory/hywelddauniversityhealthboard/gps>

2. The UHB provides, within the block chart below, the age demographic for Tenby Surgery patients, in five (5) year intervals, as requested.



3. The UHB confirms that there are 845 patients in Tenby Surgery that have a mobile phone listed as a contact number.

FOI 8302

1. The UHB provides a copy of its Chaperone Procedure, at Attachment 1.

FOI 8348

6. This information is already within the public domain and therefore, the UHB has applied an exemption under Section 21 of the FoIA, as the information is accessible by another means. The UHB's Annual Accounts and Quality Statements for the financial years 2010/11 to 2018/2019 are available on its old website.

For ease of reference, please click on the attached link which will take you directly to the UHB's webpage, where the reports can be accessed.

<https://www.webarchive.org.uk/wayback/en/archive/20200916132107/http://www.wales.nhs.uk/sitesplus/862/page/75118>

FOI 8353

1. The UHB is withholding the full name of the member of staff requested for question 1, as the UHB has no legitimate reason for processing their data as they are no longer employed by the UHB. This information is classed as personal data of third parties. Therefore, the UHB is withholding this detail under Section 40(2) of FoIA, by virtue of section 40(3) (a) (i) of the FoIA which permits a public authority to withhold personal data other than the requestor's where the disclosure would breach a Data Protection Principle.

This information is protected by the Data Protection Act 2018/General Data Protection Regulations 2016 (GDPR), as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles 6 and 9 of the GDPR. This exemption is absolute and therefore, there is no requirement to apply the public interest test.

In reaching this decision, the Data Protection Act 2018/General Data Protection Regulations 2016 define personal data as data which 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.

- a. The UHB confirms that all Medical professionals are required to have a GMC registration number to enable them to practise.

Information on GMC registration numbers is within the public domain and therefore, the UHB has applied an exemption under Section 21 of the FoIA, as the information is accessible by another means. This information is on the General Medical Council's (GMC) website.

For ease of reference, please click on the attached link which will take you directly to the GMC's webpage:

[The medical register - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/)

2. The UHB confirms that the Radiologist that performed your ultrasound scan on 26 September 2019 was Dr Mark Owen, Locum Consultant Radiologist.

- a. Please see response to question 1a.

Please direct all future requests for information to our Freedom of Information Department to ensure your requests are received and dealt with in accordance with the FoIA.

Their contact details have been provided below:

By email: foi.hyweldda@wales.nhs.uk or post to The Freedom of Information Department, Hywel Dda University Health Board, Corporate Offices, Ystwyth Building, St David's Park, Job's Well Road, Carmarthen, Carmarthenshire, SA31 3BB.