

Reference:	FOI.912.19
Subject:	Serious incident forms
Date of Request:	4 June 2019

Requested

Please provide a copy of serious incident forms submitted to the Welsh Government in 2018-19 and to date in 2019-20.

Response:

Hywel Dda University Health Board (the UHB) is withholding the copies of the serious incident forms submitted to Welsh Government within the 2018/19 and 2019/20 financial years. This decision has been made as the forms contain sensitive identifiable information regarding those involved and the incidents themselves.

It has been determined that it is not within the expectations of these individuals that their personal data would be put into the public domain.

This information is classed as personal data of third parties and is therefore being withheld in accordance with section 40 (2) of the Freedom of Information Act 2000 (the Act) by virtue of section 40 (3) (a) (i) of the Act, which permits a public authority to withhold personal data other than the requester's where the disclosure would breach a Data Protection Principle.

The Data Protection Act 2018 (DPA) / General Data Protection Regulation (GDPR) defines 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.

Under Section 16 of the Act, the UHB has an obligation to provide advice and assistance. The UHB has therefore provided some detail relating to the types of serious incidents reported during the requested timeframe within Attachment 1.

Where the figures in the attachments have been replaced with an asterisk (*), the UHB is unable to provide you with the exact number of patients due to the low numbers of cases (5 and under), as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This information is protected by the Data Protection Act (DPA) 2018 / General Data Protection Regulations (GDPR) 2016, 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 defines 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.