

Reference:	FOI.3545.20
Subject:	Subject Access Request/NHS Secure email
Date of Request:	10 July 2020

Requested:

1. Would you please confirm which Hywel Dda University Health Board (HDUHB) Officers have access to the password (ifxj6xrk) that allows access to the NHS Secure email sa224317?
2. Would you please confirm whether the 21 days life of the password is 21 working days (Monday – Friday) or 21 calendar days?

You have referenced Schedule 3, Part 3(16) of the Data Protection Act 2018. So that we are on the same page;

3. Would you please forward '*Schedule 3, Part 3(16) of the Data Protection Act 2018*' in its entirety?
4. Would you please confirm that Mrs Joanne Wilson would have read and sanctioned the unreferenced correspondence that was written on her behalf?
5. Would you please forward a copy of the signed dated confirmed minutes of the HDUHB Oral Hearings held in August 2013 which were held in the Semantic Enterprise Vault which was accessible to panel members?
6. Would you please confirm that panel members needed a password to access the Semantic Enterprise Vault?
7. Would you please forward copies of the emails showing receipt, review and acceptance as a true record of the minutes of the August Panel Hearing that was held in August 2013 that are held in the Semantic Enterprise Vault?
8. Would you please confirm that there is a correspondence log regarding the patient records that commences in 2007 and terminates on 26th July 2018?
9. Would you please confirm that as the correspondence log started in 2007 it must have been under Pembrokeshire Health Board (PHB)?
10. Would you please confirm that as BM redacted the correspondence log on 28/06/2018 the correspondence log was current under Hywel Dda Health Board (HDHB) and Hywel Dda University Health Board (HDUHB)?
11. Would you please confirm that as the matter of the removal and return of the patient record cards took place from 2007 - 2018, the correspondence log is still available?
12. Would you please that patient record cards are not only Person Identifiable Information (PII) according to General Data Protection Regulations (GDPR) of the Data Protection Act 2018 they are also Sensitive Person Identifiable Information (SPII)?
13. Would you please forward a copy of the correspondence log that relates to the removal and return of the patient record cards, i.e., from 2007 - 2018?

Decision:

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, namely questions 4 – 13 of your request are not valid requests for information and therefore not admissible under FOIA; as they are attempting to re-open a previously closed matter by the submission of repeat or similar requests, which the UHB has previously corresponded with you about.

The UHB has applied a section 14 exemption to questions 4 – 13 of your request; a section 14 exemption can be applied where a request is considered to be vexatious in nature. When considering whether to apply a Section 14 exemption, the UHB is advised by the Information Commissioner's Office to ask itself "whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation."

Additionally, under the FOIA there are a number of conditions that can be drawn upon by the UHB when considering whether a request is vexatious. The points which the UHB has applied to your request are listed below.

- Multiple requests with a similar or related subject matter have been submitted to multiple UHB officers within a short timeframe.
- 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 re-open a previously closed matter between him and the UHB regarding issues surrounding his professional capacity.
- 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 UHB has not applied an exemption to questions 1-3 of your request, these questions have therefore been responded to under the response section of this letter.

Response:

1. No officers had access to the password detailed within your request prior to its inclusion in this Freedom of Information request. Hywel Dda University Health Board (UHB) utilises a Secure File Sharing Portal for sending emails and electronic packages that include personal data. The email sent is accessible by the sender via their own personal account, which is password protected with a password set by the user. Upon sending an outgoing message, the recipient will receive a link and a computer generated password to access the email. The email cannot be accessed without both of these elements.
2. The password is active for 21 calendar days.

3. The UHB would like to express its apologies as the incorrect schedule of legislation was listed within the response you received. The letter was a template letter; the error was noticed by the Information Governance Manager on Tuesday 7 July 2020 and has since been corrected to state Schedule 2 part 3 (16).

The UHB has applied an exemption under section 21 of the Freedom of Information Act 2000 to this part of your request, as the information being requested is reasonably accessible via another means. For ease, the relevant schedule of legislation is accessible via the following link:

<http://www.legislation.gov.uk/ukpga/2018/12/schedule/2>