

24 November 2020

Information Rights & Compliance Team
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Our Ref: FOI/03483/2
FOI/03804

Thank you for your Freedom of Information Request (FOI) concerning your deceased mother's information, which we received on 6 October 2020.

In your email you state that you have been advised that you are entitled to the information we previously held exempt under S41 of the FOI Act. You clarified that this is because you are your mother's legal representative. Thank you for the additional evidence of this that you shared with us; we acknowledge receipt.

Under the FOI Act anyone has a right to request information from a public authority. We are not aware of any suggestion that personal representation is relevant under this Act.

Under the Act, we must release the information unless there is a reason not to (an 'exemption'). In this instance the decision was made not to release the requested information under exemption S41 – Duty of Confidence.

As explained in our previous response, S41 is an absolute exemption, and therefore not subject to a public interest test. To support with explaining this, we provided you with a balanced reasoning as to why we were applying this exemption. We then dealt with your request under the Access to Health Record Act and provided the information we held under ADR/0032.

I note that you have put in a further Access to Health Record request asking for some of the documents that you are also requesting here under the FOI Act.

Your request for emails, attachments, meeting notes, reports or draft reports, complaints, incidents and investigations is being dealt with under the Access the Health Records Act reference ADR/0055.

With regards to your request for

- a. the Mortality Review
- b. the Serious Incident Investigation
- c. for the period 01/01/2017 to 06/10/2020.

I can inform you that a mortality review was not conducted, therefore we do not hold this information¹.

All serious incident reports have already been provided to you.

¹ Section 1(1) Any person making a request for information to a public authority is entitled (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him.

We believe this now concludes your request for information regarding your late mother under the Freedom of Information Act 2000. Following our extensive conversations and correspondence on this matter, the Trust believes that you have now received all the relevant information held by the Trust. Any future requests under FOI may be considered vexatious and may not receive a response.

If there is anything you need clarification on, please do not hesitate to contact me.

Yours sincerely

Sue Smith

Information Rights & Compliance Team