

**Reference Number:** FOI202223/156  
**From:** Private Individual  
**Date:** 04 July 2022  
**Subject:** Number of Learning from Deaths

Q1 As described on page 6 of the National Quality Board's National Guidance on Learning from Deaths, Trusts are required to collect specified information on deaths: [click here for the link to the Guidance report.](#)

Please may I receive the following data described in that guidance, on a monthly basis, from the beginning of 2018 to the most recent month available:

- a. The total number of in-patient deaths (including emergency department deaths)
- b. The number of deaths subject to case record review
- c. Of these deaths subjected to review, the number that were judged more likely than not to have been due to problems in care

If data is not available at the beginning of 2018, please supply data from the earliest point after when data was collected.

If helpful, the data could be supplied to me in the form of a table or spreadsheet with the following structure:

- Each row is a month and year
- Each column is one of the three Learning from Death figures that I have requested: total patient deaths, total deaths subjected to a case record review, total judged to be due to a problem in care
- Each cell is the corresponding value, and blank if data has not yet been collected

A1 a. [Please note that ED deaths are only included in these numbers from January 2021 onwards.](#)

	2018	2019	2020	2021	2022
Jan	7	5	6	7	6
Feb	1	6	4	4	5
March	6	3	7	4	8
April	6	5	6	5	2
May	4	4	2	5	7
June	4	1	6	4	9
July	4	5	5	5	
Aug	5	5	8	4	
Sept	3	6	4	11	
Oct	3	3	4	8	
Nov	7	7	6	10	
Dec	5	8	5	9	
<b>Totals</b>	<b>55</b>	<b>58</b>	<b>63</b>	<b>76</b>	<b>37</b>

- b. All cases have been subject to case record review
- c. Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved

The Trust has applied exemption Section 40(2) of the FOIA and is therefore withholding the information as disclosure which may identify an individual would breach their rights under the Data Protection Act 2018. The grounds for application of this exemption include:

- Any data relating to patients or staff is third party data, furthermore health data is classified as sensitive personal data within the Data Protection Act 2018. As such, Section 40 (2) of the FOIA applies along with the Trusts duty of confidentiality. Therefore under s.2 (3) (f) (ii) of the FOIA, there is an absolute exemption from disclosure on the grounds that it would contravene the First Data Protection Principle.
- The Trust has a duty under the Data Protection Act 2018 and specifically the First Data Protection Principle to ensure personal data regarding staff and patients is processed fairly and lawfully. Disclosure of such data which may identify an individual, either through the data alone or other data in conjunction with that data which may identify an individual would therefore breach this principle.
- The Data Protection Act 2018 defines sensitive personal data to include data relating to the “physical or mental health or condition” of a person. Any such information about specific individuals falls within this category and disclosure of such data including statistical data, with any potential likelihood of identification would breach the Data Protection Act 2018.