

Reference Number: FOI202122509
From: Private Individual
Date: 02 March 2022
Subject: Allegations of Rape, Sexual assault, Sexual harassment and Sexual misconduct

- Q1 Please provide the number of allegations reported within your trust, clinical commissioning group or other care setting as defined, of
- Rape
 - Sexual assault
 - Sexual harassment
 - Sexual misconduct
- Q2 Please advise the location of these offences and or alleged offences broken down by location Mental Health Unit, Hospital, Other Hospital Setting to be clearly defined.
- Q3 Please provide this data for the last three years, 2019, 2020, 2021 and 2022 to date.
- Q4 Please provide a month by month and location
- Q5 Please identify if these allegations are
- On Staff carried out by a staff Member
 - On Staff carried out by a patient or visitor
 - By Staff on a Patient
 - By Staff on a visitor
 - On Staff carried out by a visitor
- Q6 For each of these allegations please advise if a suspect was identified and or arrested
- Q7 If a suspect was identified and the suspect was identified as a member or staff or a contractor to the trust, CCG or group. What was the outcome? Was the suspect subsequently arrested, charged or convicted? Was the suspect subsequently investigated, suspended or dismissed from the Trust.
- A1- A7 The Trust is unable to respond to all or specific elements of your request where the response would indicate five or less individuals. The Trust is withholding this information under Section 40 (Personal Information) of the Freedom of Information Act (FOIA) 2000 to reduce the risk of any individuals being identified. The Trust is of the view that disclosure of such information would significantly increase the risk of individuals being identified and as such would constitute a breach of their personal data.

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.