

Reference Number: FOIAH2324/268
From: Private Individual
Date: 16 August 2023
Subject: Complaints received by the HR Department between January 2021 and August 2023 that concern Senior Members of Staff

Q1 Please provide information regarding complaints received by your organisation's HR department between January 2021 and August 2023 that concern senior members of staff, with suitable redactions.

For the purposes of this request, by "senior", I mean consultant-level doctors, board members, and any other staff at agenda for change grades 8a or above.

Please specify: the date of the complaint, the relationship of the complainant to the person making the report, the nature of that complaint, the complaint route and the outcome (as you can see in the example below).

Date of Complaint	Relationship of Complainant	Complaint/Issue	Complaint Route	Outcome
June 2018	Staff member against supervisor	Alleged disclosure of personal information	Written	Investigated - partially upheld

A1 There have been no complaints received by HR for Board Members between the time period specified (January 2021 - August 2023).

Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.

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.

Q2 Please also provide the total number of staff at your organisation (e.g. 5,000).

A2 4282