

Reference Number: FOIAH2324/490
From: Press/Media
Date: 06 December 2023
Subject: Number of patients who have died whilst on NHS waiting lists

Q1 The number of patients who have died while on your NHS waiting list and therefore have been removed from that list due to their death or status as being deceased.

I would like this complete data broken down into the years 2018, 2019, 2020, 2021, 2022 and the year 2023 to date (December).
 If possible, I would also like a breakdown of age for every patient who died while on your NHS waiting list please.

A1

Age	Year Removed	
	2022	2023
0	32	21
1	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	13
2	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	
3		
4		
5	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0
6	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	
7		
8		
9		
10	0	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
11	Information exempted under Section 40: Personal data.	0
12		Information exempted under Section 40: Personal data.
13		

	Providing this information would likely identify individuals involved.	Providing this information would likely identify individuals involved.
14	Providing this information would likely identify individuals involved.	5
15	5	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
16	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	
17	0	
18	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	
Total	72	64

Please note, we do not hold the information from 2018 – 2021 and can only provide data from 2022 onwards as the Trust underwent a Safe Waiting List Management Programme from 2020 concluding in 2021.

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.