

Freedom of Information Team
Room 1.16
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PO6 3LY

Tel: 023 9228 6000 Ext 3708

Name:
Date:26/04/2019
Ref: 19-20 049

Dear

Freedom of Information request

Thank you for your request for information under the Freedom of Information Act 2000, which was received by our Freedom of Information team on 26/04/2019. You have requested the following:

I would like confirmation and/or information relating that on Thursday 16 April 2019 a patient called [REDACTED] was admitted and died on the same day while in one of your hospitals.

Additionally I would like confirmation of the correspondence address associated with the patient provided to the hospital.

Unfortunately we are unable to supply this information to you. The GDPR and DPA 2018 deal only with personal information of living individuals. Information on deceased individuals is covered by the Access to Health Records Act 1990. In order to supply any personal information on a deceased individual the requestor must demonstrate that they are the patient's personal representative or may have a claim arising out of the patient's death.

Additionally as providers of Health Care services the Trust must also follow the common law duty of confidentiality which extends to deceased individuals as well. Disclosure of confidential information is lawful only under the following circumstances:

- The individual to who the information relates has consented or their next of kin
- Where disclosure is necessary to safeguard the individual or others or is in the public interest
- Where there is a legal duty to do so, for example a court order.

The Trust is therefore exempting the information requested under section 41 Confidentiality and section 44 Disclosure prohibited under law.

Please accept this letter as completion of your request. Please note that copies of this request will be held on file for three years before being confidentially destroyed.

If you are dissatisfied with the outcome of your request, please contact our Head of Information Governance on Information.Governance@porthosp.nhs.uk or write to the above address and we will conduct an internal review. Upon review, if you are still dissatisfied, you may appeal our decision by contacting the Information Commissioner's Office; for more information please visit the [ICO's website](#).

Please be aware, if we do not receive an appeal within 30 days of you receiving this letter, we will assume that you are satisfied with our response. If you have any further queries, please do not hesitate to contact us.

Yours sincerely

Freedom of Information Team