

Request title: Food Poisoning

Date of Response: 10th August 2015

Further to your Freedom of Information request, the Trust has answered your questions in the order they appear in your request.

Request

Please could you let me know the number of people admitted to hospital or visiting A&E suffering from food poisoning for 2011/2012, 2012/2013 and 2013/2014?

If possible, could you also break these down by:

- Month

Gender

Age groups: under 10, 10 – 19, 20 – 29, 30 - 39 etc

Reply:

Further to your Freedom of Information request, the Trust has provided you with the attached spread sheet in response to your request.

Please note the caveats on the spread sheet.

The Trust is not willing to provide the age range or gender of the patients due to the low numbers involved, due to the fact that this may well mean that any patients concerned may possibly be able to identify themselves if this information was released into the public domain, therefore the Trust is withholding this further breakdown of information under section 41 of the Freedom of Information Act. The Trust considers that the information is exempt under section 41 (a+b) of the Freedom of Information Act. Please see the full Trust refusal notice below.

Section 41 refusal notice

41: Information is exempt information if –

(a) It was obtained by the public authority from any other person (including another public authority), and

(b) The disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Section 41 of the Freedom of Information Act sets out an exemption from the right to know information, where the information requested was provided to the public authority in confidence with the expectation that the information would only be used/disclosed in accordance with the wishes of the confider. The information has been collected by the Trust in the course of the patients treatment and would form part of their health record, and the information contained within the health record would have been created as a result of information gathered with an expectation by the patient that it

would be held in confidence.

On considering this, the Trust believes that in the context of health records, the responsibility of confidentiality is vital, as it reinforces and underpins the commitment of trust between patients and doctors, without which public confidence in the Trust may be damaged. Patients have a reasonable expectation that any information they provide will only be used to enable effective delivery of care and will be held under a duty of confidence. The ICO recognises in its guidance that section 41 will be particularly relevant to authorities holding information such as health records.

If there is a breach of confidence the confider or any other party affected may have the right to take action through the courts.

On considering the above points, the Trust has reached the conclusion that it will not divulge such information when there is no legal obligation to do so.