

# Request title: Radiation Protection

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Date of Response: 8<sup>th</sup> September 2015

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

## Request

I am making this request under the Freedom of Information Act. I would be grateful if you would please send me copies of relevant extracts of minutes of all meetings of the Safety and Risk Committee since its inception, and related letters, records and similar documents sent to the Safety and Risk Committee or members of this Committee, referring to:

1. Radiation risks to patients from diagnostic medical exposures to ionising radiation
2. Compliance with relevant legislation, in particular the Ionising Radiation (Medical Exposure) Regulations (IRMER)
3. The Trust's Director of Medical Physics / Radiation Protection Adviser (Hugh Wilkins)
4. Concerns raised in connection with any of the above

Whilst category 1 includes all diagnostic medical exposures to ionising radiation, I am particularly interested in references to X-ray doses received by patients undergoing interventional cardiology (cardiac catheterisation) procedures.

## Reply:

The Trust has found this to be a rather large request and unfortunately it has not been possible to complete this exercise within the timeframes allowed by the Freedom of Information Act 2000. The appropriate limit of £450 represents the estimated cost of one person spending two and a half days in locating, retrieving and extracting the information. Consequently, the Trust is not obliged by the Freedom of Information Act 2000 to retrieve the above information (see section 12(1)).

However, to be helpful, the Trust has attempted to provide an answer to some of your request. The Trust has taken your request and worked through it and is able to provide you with the attached documents that relate to the initial part of your request, which asks for 'all relevant extracts of minutes of all meetings of the Safety and Risk Committee since its inception, and related letters, records and similar documents sent to the Safety and Risk Committee referring to':

1. Radiation risks to patients from diagnostic medical exposures to ionising radiation
2. Compliance with relevant legislation, in particular the Ionising Radiation (Medical Exposure) Regulations (IRMER)
4. Concerns raised in connection with any of the above

In relation to question 3 of your request, the Trust is not able to provide this information, as this is information that would directly identify a member of staff, and therefore would be exempt under Section 40 of the Freedom of Information Act 2000. Therefore, in providing this information the Trust would be in breach of Data Protection Act 1998. Please see the Trusts full refusal notice below:

**Refusal Notice:**

**Section 40:**

The Royal Devon & Exeter NHS Foundation Trust has carefully considered your request for the information requested; it has however declined under Section 40, sections 2(a+b) and 3(a) of the Freedom of Information Act. Section 40 of the Freedom of Information Act provides an exemption from disclosing information about identifiable individuals where it would breach the Data Protection Act.

*Section 2: Any information to which a request for information relates is also exempt information if*  
*(a) it constitutes personal data which do not fall within subsection (1) and*  
*(b) either the first or second condition below is satisfied*

*Section 3: The first condition is*

*(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene*

*(i) any of the data protection principles, or*

*(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress to any data subject).*

The Trust believes that due to the nature of the questions and information, if the level of information requested was provided, this would contravene section 3 (i) and (ii) of the Data Protection Act 1998. Namely, the first principle of the Data Protection Act would be breached (personal data shall be processed fairly and lawfully) and the release of the information would be likely to cause damage or distress to the individual(s) concerned. The Trust has outlined below how it has reached this decision.

The request is asking for very specific information, and the Trust considers that if it were to provide the information requested, it would lead to the resultant information being identifiable to both the person concerned and other people (if combined with other information potentially available). The information in question is considered to be sensitive. The Trust considers that this is beyond what would be considered fair processing of information, and the Trust believes that the legitimate public interest in the subject would be met through the information provided above. In addition, the staff(s) concerned would identify information regarding themselves and this would be likely to cause damage or distress to the individual(s) concerned.

In conclusion, the Trust believes that to release the information requested would not be considered fair processing and would have the potential to cause damage or distress; this would contravene the Data Protection Act, and therefore the information is exempt information. The Trust considers that this decision underlines the Trust's over-riding commitment to our patients, staff and the public to maintain the very highest standards of confidentiality and to protect the information we may hold about them.