Further to your Freedom of Information Act request, please find the Trust’s response, in **blue bold text** below:

**Request and Royal Devon and Exeter NHS Foundation Trust Response**

I am writing with a Freedom of Information request regarding the medical removal (surgical or otherwise) of foreign objects from patients’ rectums / colons over the dates September 30th 2015 - September 29th 2016 and September 30th 2016 to September 30th 2017.

I would like a list of all procedures carried out on your premises by medical professionals to remove foreign objects from patients’ rectums / colons.

I define a “foreign object” as an object that is separate from the body, therefore not including natural growths or tumours.

I would like the list of each of these procedures to be accompanied with generic information of the procedure and the patient.

This should include date and time of procedure, gender of the patient and age of the patient.

Also accompanying each procedure, I would like generic information regarding the nature of the procedure.

This includes whether surgery under anaesthetic was required, and a brief summary naming the object(s) removed.

1. Patients admitted with a primary diagnosis of Foreign Body in Anus, Rectum or Colon resulting in a surgical procedure:

   **Year 1 (30/09/15 to 29/09/16)**
   8

   **Year 2 (30/09/16 to 29/09/17)**
   6

2. Emergency Department Attendances for patients with Diagnosis 1646 – Foreign Body Rectum, and free text searches for words ‘FB’ and ‘Object’ for any foreign objects from patients’ rectums/colons’ excluding patients admitted to hospital:

   **Year 1 (30/09/15 to 29/09/16)**
   Less than 5

   **Year 2 (30/09/16 to 29/09/17)**
   Less than 5

Please note with regard to the above data that ‘Presenting Complaint’ is a free text search therefore the numbers of patients may not be complete.

The Trust has only provided a summary of the data, as it feels that due to the low numbers involved, the breakdown could make a patient identifiable. Therefore it is withholding this
information under section 40 of the Freedom of Information Act. Please see the full refusal notice below.

Section 40

Refusal Notice - Section 40:

The Royal Devon & Exeter NHS Foundation Trust has carefully considered your request for the above information; it has however declined to provide the specific details of the two never events 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 individuals where to do so 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 recognises that whilst the information requested does not itself identify the patient(s), the questions are asking for very specific and focused details, and due to the low number of cases involved, to provide this detail would create a potential for the patient(s) concerned to be identified. The Trust considers that there is the potential for patient(s) to be identified through the information being combined with other information that could be available. The Trust believes that the release of such sensitive information would therefore contravene section 3 (i) and (ii) of the Data Protection Act 1998. Namely, the first principle of the Data Protection Act would be breached (information is processed fairly and lawfully) and the release of the information would be likely to cause distress to the individuals concerned.

The patient(s) concerned and the wider public may question what other details the Trust may be willing to release at a later date; and the Trust considers that this would cause distress and uncertainty to the patient(s) concerned, and would also in general terms undermine the level of trust held between patients and the hospital; the integrity of the Trust and its understanding of patient confidence would also be questioned.

The Trust has a duty of care to its patients to protect the information we hold about them and how it is used; by releasing the information the Trust considers that it would have breached its duty. The Trust considers that the release of the information would be beyond what is considered fair processing of information and would be likely to cause distress; this would contravene the Data Protection Act, and therefore the information is exempt information. The Trust believes that this decision underlines the Trust's over-riding commitment to its patients, staff and the public to maintain the very highest standards of confidentiality and to protect the information we may hold about them.