



**East London
NHS Foundation Trust**

Information Governance Department

Charter House
7 Alma Street
Luton LU1 2PJ

Email: elft.foi@nhs.net

Website: www.elft.nhs.uk

20 December 2022

Our reference: FOI DA4468

I am responding to your request for information received 23 November 2022. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,

Shuchi Joshi

Senior Information Governance Coordinator – Information Rights

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention



We promise to work together creatively to: learn 'what matters' to everyone, achieve a better quality of life and continuously improve our services.

We care . We respect . We are inclusive

Chief Executive: Paul Calaminus
Chair: Eileen Taylor

Request: I was previous a patient on East India Ward up until 27th July 2022, I was aware of a report commissioned for the External Review to close East India Ward I requested it under the freedom of information act and wrote to Lorraine Dyce on 4th September I understand Lorraine referred this to you.

I would like to know if you have received my formal request for this document under the freedom of information act and when this will be actioned.

Answer: The Trust has considered your request for disclosure of the report relating to East India ward. Your request is refused on the following grounds:

Section 38 of the Freedom of Information Act 2000 states:

(1) Information is exempt information if its disclosure under this Act would, or would be likely to-

(a) endanger the physical or mental health of any individual, or

(b) endanger the safety of any individual.

(2) the duty to confirm or deny does not arise if, or to the extent that compliance with section 1(1)(a) would, or would likely to have either of the effects mentioned in subsection (1)

Section 38(2) provides an exemption from the duty to confirm or deny whether information is held if doing so would or would be likely to endanger the physical or mental health or safety of any individual. Although this Section of the Freedom of information Act is clear there is no obligation to confirm or deny if information is held the Trust is able to confirm that it does hold the information you requested.

Section 38(1)(b) of the Freedom of Information Act 2000 is a qualified exemption. This means that where information requested is exempt from disclosure, organisations must consider whether interest in maintaining the exemption outweighs the public interest in disclosure.

The Trust is of the opinion that it has a responsibility to the individuals who are singly or collectively identifies in the report. Release of the report may endanger their safety, either singly, collectively or by inference given the service the report relates to.

Furthermore, the report is transparent in its findings relating to certain individuals. Section 40(2) of the Freedom of information Act 2000 permits information to be withheld where it identifies an individual other than the requester. This is an absolute exemption and does not require an organisation to consider whether interest in maintaining the exemption outweighs the public interest in disclosure. Section 40(2) has therefore been engaged in the consideration of your request.



We promise to work together creatively to: learn 'what matters' to everyone, achieve a better quality of life and continuously improve our services.

We care . We respect . We are inclusive

Chief Executive: Paul Calaminus
Chair: Eileen Taylor