

Information Governance

Robert Dolan House
9 Alie Street
London
E1 8DE

Email elft.foi@nhs.net

Website: <https://www.elft.nhs.uk>

4 April 2024

Our reference: FOI DA5172a

I am responding to your request for information received 27 March 2024. 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,



Keshia Harvey
Senior Information Governance Manager - Compliance

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



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Interim Chief Executive Officer: Lorraine Sunduza
Chair: Eileen Taylor

Request: Thank you for your letter dated 25 March 2024.

Further request for information

In your response you include a link to the policy 'Clinical Record Keeping Policy 2.0'. That policy includes the following paragraph on page 26 (emphasis added);

"4.3 Patients have the right, under Section 10 of the Data Protection Act, to request to "opt-out" of having an electronic patient record. This decision is based on clinical risk assessment, and impact on the individual. Refer to the Trust's EPR Opt-out Procedure for detail and process."

We cannot find the Trust's EPR Opt-out Procedure on an online search, and accordingly request that you send us a copy of this policy under the Freedom of Information Act 2000.

Answer: The Trust policy is that the primary record keeping system is electronic. All patients are required to have a record in the format used by the service they are open to as there is a clinical risk in not doing so. The reference in the policy refers to the National Data Opt Out where individuals can opt out of their data being used for secondary purposes. We will make this clearer in the policy and apologise for any confusion.



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Original Request:

We write to make a request under the Freedom of Information Act regarding your specific policies, guidance and procedures in relation to holding of paper records alongside electronic records.

This request is made pursuant to the Freedom of Information Act 2000, giving the public the right to request any recorded information held by public authorities, which includes the NHS.

Question 1: Please provide a copy of all

- a) policy documents,**
- b) reports,**
- c) impact assessments,**
- d) internal guidance,**
- e) training documents**
- f) or such other written material relating to the use of keeping and maintaining patient records in any form.**

Clarification: clarification: By “reports” we are requesting any report relating to the use or maintenance of patient records. This could be for example audit reports, deletion reports, access reports etc.

a. Policy documents

Answer: The Trust has reviewed question 1a of your request for information under the Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The information requested is accessible here:

<https://www.elft.nhs.uk/sites/default/files/2023-12/Clinical%20Record%20Keeping%20Policy%202.0.doc>

<https://www.elft.nhs.uk/sites/default/files/2023-05/Health%20Records%20Policy%202.8.docx>

b. Reports

Clarification: We request reports relating to the use or maintenance of patient records from the past three years.

If there have been any recent internal changes to how East London NHS Foundation Trust kept reports on the use or maintenance of patient records that are different to the present approach, we kindly request one year of such reports under any previous regime.

Answer: The Trust has reviewed question 1b of your request for information under the Freedom of Information Act (FOI) 2000.

Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.



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In order to retrieve the information, staff would have to review audits over the last three years to identify record keeping audit/reports. It is estimated to take two hours to collate.

c. Impact Assessment

Answer: The Trust has reviewed question 1c of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

Any person making a request for information to a public authority is entitled—
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to them.

East London NHS Foundation Trust does not record the information requested and is therefore unable to provide a response.

d. Internal Guidance

Answer: The Trust has reviewed question 1d of your request for information under the Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:
(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The information requested is accessible here:

<https://www.elft.nhs.uk/sites/default/files/2023-12/Clinical%20Record%20Keeping%20Policy%202.0.doc>

<https://www.elft.nhs.uk/sites/default/files/2023-05/Health%20Records%20Policy%202.8.docx>

e. Training Documents

Answer: The Trust has reviewed question 1e of your request for information under the Freedom of Information Act (FOI) 2000.

Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The Trust has reviewed your request for information and in order to collate this information, it would be necessary to review all training materials used within the Trust which is estimated to take over eighteen hours.

Please do advise us if you are requesting information on a particular clinical system or location, to help narrow the search parameters.

Question 2: Does the Trust use paper health records as well as electronic health records for patients?

Answer: The Trust's primary clinical record keeping systems are electronic although services may keep a small duplicate paper copy during an episode of care.



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Question 3: Does the Trust have a specific policy governing the use of patient record formats?

Answer: The Trust has reviewed question 3 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:
(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The information requested is accessible here:

Point 3.0

<https://www.elft.nhs.uk/sites/default/files/2023-12/Clinical%20Record%20Keeping%20Policy%202.0.doc>

Question 4: In what circumstances would a patient have a paper record as well as or instead of an electronic record?

Answer: The Trust has reviewed question 4 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:
(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The information requested is accessible here:

Points 2.2 and 3.1

<https://www.elft.nhs.uk/sites/default/files/2023-12/Clinical%20Record%20Keeping%20Policy%202.0.doc>

Question 5: Does the Trust have any circumstances, exceptional or otherwise, in which it would maintain only paper files for medical records (i.e. no electronic health record, or no medical data stored on the electronic health record) for current patients?

- a) If so, what are those circumstances?
- b) If so, are any patient records currently held in this way?

Answer: The Trust policy is for every current service user to have an electronic record. There may also be archived records relating to previous historic episodes of care. Clinicians may request these from the archiving provider if historic information is required.

Question 6: How many patients have paper records? How many of these patients do not have any/any significant electronic record?

Answer: The Trust has reviewed question 6 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*



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(b) if that is the case, to have that information communicated to them.

East London NHS Foundation Trust does not record the requested information centrally and is therefore unable to provide a response.

Question 7: What are the answers to question 5 as a percentage of all of the Trust's patients for whom records are held?

Answer: The Trust has reviewed question 7 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to them.*

East London NHS Foundation Trust does not record the information requested and is therefore unable to provide a response.

Question 8: How does the Trust deal with physical delivery of hard copy patient notes and records between departments?

Answer: The Trust has reviewed question 8 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The information requested is accessible here:

Points 15.4

<https://www.elft.nhs.uk/sites/default/files/2023-05/Health%20Records%20Policy%202.8.docx>

Paper records are transferred using the Trust's internal courier service (man with a van / man with a car service).

Question 9: How does the Trust monitor, audit or restrict access to paper records?

Answer: The Trust has reviewed question 9 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The information requested is accessible here:

Page 27

<https://www.elft.nhs.uk/sites/default/files/2023-12/Clinical%20Record%20Keeping%20Policy%202.0.doc>



Question 10: How does the Trust store its paper records, both current patient records and historic patient records?

Answer: The Trust stores its archived paper records on site and with external storage providers.



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