

Ref: FOIA Reference 2020/21-093b

Royal Stoke University Hospital
Data, Security and Protection
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 20th July 2020

Email foi@uhn.nhs.uk

Dear

I am writing in response to your emails dated 16th June and 18th June 2020 requesting information under the Freedom of Information Act (2000) regarding amended/clarified response for antibody tests and BAME deaths

On our acknowledgment we added the following statement:

The University Hospitals of North Midlands Trust is committed to the Freedom of Information Act 2000.

However, the NHS is facing unprecedented challenges relating to the coronavirus (COVID-19) pandemic at the current time. Understandably, our resources have been diverted to support our front-line colleagues who are working tremendously hard to provide care for our patients, and to those in need of our services.

We strive to be transparent and to work with an open culture. But at this time, whilst care of our patients and the safety of our staff takes precedent, it is likely that responses to some requests for information will be delayed. We apologise for this position in advance, and will endeavour to provide you with as much information as we can, as soon as we are able.

The Information Commissioners Office has recognised the current situation in the NHS.

On 18th June 2020 we contacted you via email to inform you that under section 12 of the FOI Act we would be aggregating your two requests; (former reference for request #1 = 089-2021)

The section 12 exemption states:

The authority can combine related requests received within a period of 60 consecutive days from:

- The same person or
- People who appear to be acting in concert or in pursuance of a campaign

On 16th June we contacted you via email as we required a time frame in order to collate the information. (Request #1)

As of 24th June our request for clarification for request number 1 has not been responded to, therefore in order to not delay request number 2 we are unable to proceed with request number 1

On 24th June 2020 in response to our finalising your request you replied via email with the following:
"Hello

I didn't get a message seeking clarification?"

We forwarded you the email asking for clarification.

You replied via email with:
"Thank you, the answer is "to date"."

As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Request #1

Q1 I am writing to you under the Freedom of Information Act 2000 to request the following information:

Of the Covid-19 antibody tests conducted to date among staff at your Trust, please provide information on:

- **The proportion of staff that are antibody positive**
- **The proportion of BAME staff that are antibody positive**

A1 As per the above clarification.

- a. The proportion of staff that are antibody positive = 13%
- b. The Trust did not take ethnicity as part of antibody testing. In order to find out who has tested positive, as BAME staff, we would need to match swab test results to staff on ESR (Electronic Staff Register). Therefore the Trust considers the above request for information exempt under Section 12 (1) of the Freedom of Information Act (2000) this is because the information requested in your questions is not held centrally, but may be recorded in individual records. In order to confirm whether this information is held we would therefore have to individually access all individual staff records within the Trust and extract the information where it is present. We therefore estimate that complying with your request is exempt under section 12 of the FOI Act: *cost of compliance is excessive*. The section 12 exemption applies when it is estimated a request will take in excess of 18 hours to complete. We estimate that accessing and reviewing all individual staff records and then extracting relevant information would take longer than the 18 hours allowed for.

In addition to the section 12 exemption the Trust is also applying section 14 (1) exemption: oppressive burden on the authority

Under section 16 of the FOI Act we are required to provide requestors with advice and assistance where possible. We would therefore like to advise you that NHSIE may hold some information; they can be contacted at the following email address: england.contactus@nhs.net

Request #2

Q1 I am writing to you under the Freedom of Information Act 2000 to request the following information:

How many members of staff (full-time and part-time) directly employed by your Trust have died after testing positive for Covid-19?

A1 We are unable to provide the information you require in the requested format as to release this data could lead to the identification of the person(s) involved due to the low numbers involved, and would breach the Trusts obligations under Data Protection Act 2018. Accordingly, this aspect of your request is exempt from disclosure under the terms of Section 40(2) of the FOI Act. *Personal information.*

This exemption is an absolute exemption and therefore no consideration of the public interest test is needed

Q2 How many BAME staff (full-time and part-time) directly employed by your Trust have died after testing positive for Covid-19?

A2 None

Q3 Where possible, please provide details of:

3a. Age

3b. Gender

3c. Occupation

3d. Nationality of staff members who have died after testing positive for Covid-19.

In order to protect patient confidentiality this could be presented in such a format:

For example:

- **Occupation:**
- **Doctor – 1**
- **Nurse – 7**
- **Etc**

- **Gender:**
- **Male – 3**
- **Female – 5**
- **etc**

A3 We are unable to provide the information you require in the requested format as to release this data could lead to the identification of the person(s) involved due to the low numbers involved, and would breach the Trusts obligations under Data Protection Act 2018. Accordingly, this aspect of your request is exempt from disclosure under the terms of Section 40(2) of the FOI Act. *Personal information.*

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.

Where the Trust owns the copyright in information provided, you may re-use the information in line with the conditions set out in the Open Government Licence v3 which is available at <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>. Where information was created by third parties, you should contact them directly for permission to re-use the information.

An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

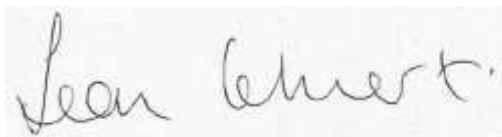
Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 671612.

Yours,



Jean Lehnert
Data, Security & Protection Manager