



Ref: FOIA Reference 2018/19-323

Royal Stoke University Hospital
Quality, Safety and Compliance Department
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 4th September 2018

Tel: 01782 676474
Email FOI@uhn.nhs.uk

Dear

I am writing in response to your email dated 28th August 2018 requesting information under the Freedom of Information Act (2000) regarding messaging platform use.

I can neither confirm nor deny whether the information you have requested is held by the Trust in its entirety. This is because some of the information requested in questions 1, 2 and 3 is not held centrally, but may be recorded in individual staff records. In order to confirm whether this information is held we would therefore have to individually access all 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 staff records and then extracting relevant information would take longer than the 18 hours allowed for.

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 if your request is shortened to just the questions we are able to comply within the 18 hour time frame. In order to avoid delay to your response we have provided this below.

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.

Q1 I am looking into incidents of Trust staff or contractors improperly using messaging platforms (such as, but not limited to, WhatsApp) to communicate information relating to patients.

For each of the last five years (2014 to 2018 inclusive), please tell me:

- How many staff or contractors at your Trust have been investigated for doing so?

A1 Contractors working for the Trust would have a contractual obligation to investigate any such matters. Records of any investigations would be held by the Contractor.

In relation to employees:

- Prior to 2016, data relating to formal investigations was not recorded in a central system. Details of any disciplinary action taken would have been retained on a person's

confidential personnel file for the relevant period as set out in the Trust's Disciplinary Policy.

- Records of informal investigations are not recorded centrally: section 12 exemption as detailed above

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*. However as the Trust is committed to openness and transparency we can band the numbers and have provided this below:

In relation to Staff:

- 2016 = None
- 2017 = Less than 5
- 2018 = None

Q2 How many staff or contractors were sanctioned / disciplined for doing so. For each sanction, please say what it was: for example, if it was a monetary fine, please give the value; if it was a suspension, please give the duration.

A2 Contractors working for the Trust would have a contractual obligation to investigate any such matters. Records of any investigations would be held by the Contractor

In relation to employees:

- Prior to 2016, data relating to formal investigations was not recorded in a central system. Details of any disciplinary action taken would have been retained on a person's confidential personnel file for the relevant period as set out in the Trust's Disciplinary Policy.
- Records of informal investigations are not recorded centrally section 12 exemption as detailed above

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*. However as the Trust is committed to openness and transparency we can band the numbers and have provided this below:

In relation to Staff:

- a) Less than 5
- b) Written warning

Q3 For each incident of a staff member or contractor being investigated and / or sanctioned, please say: 1) what messaging platform was involved; 2) that individual's broad role at the Trust, for example doctor (junior or consultant), nurse, management

A3 Contractors working for the Trust would have a contractual obligation to investigate any such matters. Records of any investigations would be held by the Contractor

In relation to employees:

- Prior to 2016, data relating to formal investigations was not recorded in a central system. Details of any disciplinary action taken would have been retained on a person's confidential personnel file for the relevant period as set out in the Trust's Disciplinary Policy.
- Records of informal investigations are not recorded centrally section 12 exemption as detailed above

In relation to Staff:

- 1) Email
- 2) Allied Health Professional

Q4 For each incident of a staff member or contractor being investigated and / or sanctioned, please say whether the patient or patients concerned were informed that a possible misuse of their data had taken place

A4 Contractors working for the Trust would have a contractual obligation to investigate any such matters. Records of any investigations would be held by the Contractor.

This information in relation to staff is not held by the Trust.

Q5 Does your Trust have explicit rules against such use? If so, please point to them.

A5 The Trust has the following policies:

- Social Networking Policy HR13 and
- IT07 Information Security Management Policy

*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.

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 676474.

Yours,



Leah Carlisle
Deputy Head of Quality, Safety & Compliance