

By email

3 May 2023

Case reference: IC-224896-K5Y8

We are now in a position to respond to your information request.

Request

"Following an incident in which staff at East of England Ambulance Service Trust (EEAST) shared covert images of patients and inappropriate messages via Facebook Messenger, please provide copies of correspondence between the ICO and East of England Ambulance Service Trust - re: IC-170897-L7Y4 and closure letter INV/0159/2022

Please provide the initial information (suitably redacted if required) that was provided by EEAST to the ICO that led to the ICO review and data protection advice and recommendations to EEAST. On what date did EEAST report the incident to the ICO?

I request a copy of the data protection advice and recommendations the ICO provided to East of England Ambulance Service Trust (EEAST) following the incident (if not covered by IC-170897-L7Y4/ and INV/0159/2022)".

We have handled your request under the Freedom of Information Act 2000 (FOIA).

Our response

We understand your request to be for a copy of the correspondence between the ICO and East of England Ambulance Service (EEAST) regarding a data breach that was looked at under case references IC-170897-L7Y4 and INV/0159/2022.

You have also specified that you would like to be provided with the initial information given to us by EEAST, and our advice and recommendations to them regarding the incident. This is held within these two case references.

We can confirm that we hold information within scope of your request. The data breach was reported to us on 16 May 2022 (IC-170897-L7Y4). The investigation case INV/0159/2022 was closed in November 2022 with a case outcome of 'Advice provided'.

Please find enclosed the information within scope of your request to which you are entitled. This consists of 3 attachments, 1 for each case reference and a separate attachment for the 'Level one report' provided to us by EEAST in their email of 30 September 2022.

Some of the information has been withheld under sections 40 and 44 of the FOIA. Further details on this are provided below.

Section 40 FOIA

We have redacted some information under section 40(2) by virtue of section 40(3)(a)(i), which is the exemption under FOIA concerning personal information.

Section 40(2) of the FOIA allows a public authority to withhold information from a response to a request when the information requested is personal data relating to someone other than the requestor, and its disclosure would contravene one of the data protection principles.

Section 44 FOIA

We are withholding some of the information provided to us by EEAST pursuant to section 44 of the FOIA.

This is an absolute exemption which means that it can be withheld without further consideration if other legislation prevents its release, if it meets certain conditions, and if none of the circumstances that would give us lawful authority to release it apply.

Section 44(1)(a) of the FOIA states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it – a. is prohibited by or under any enactment.'

In this case, the Data Protection Act 2018 (DPA), part 5, section 132 prohibits the disclosure of confidential information that –

- a. has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,
- b. relates to an identified or identifiable individual or business, and,
- c. is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources, unless the disclosure is made with lawful authority.

We do not have lawful authority to disclose this information to you this as it was this provided to us in confidence. Section 132(3) imposes a criminal liability on the Commissioner and his staff not to disclose information relating to an identifiable individual or business for the purposes of carrying out our regulatory functions, unless we have the lawful authority to do so or it has been made public from another source.

This concludes our response to your request. We hope you found this information helpful.

Next steps

You can ask us to review of our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days. You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority. You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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