

19 July 2023

IC-241267-Y2B3

Request

You asked us:

Please can you provide for the last 12 months:

- 1. Number of incidents reported to the ICO by NHS organisations where a staff member has accessed medical records without a legitimate legal basis.*
- 2. Number of those incidents which was referred for criminal investigation by the ICO.*
- 3. Number of those investigations which resulted in criminal charges.*

We received your request on 27 June.

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

Our response

We do hold information within the scope of your request. I have provided answers using your numbering below.

1. During the period of 27 June 2022 and 26 June 2023, 153 personal data breach reports were received by the ICO from organisations with 'NHS' in their title, with the specified incident type 'unauthorised access'.
2. During the same period, five cases involving alleged unauthorised access to personal data by NHS staff were referred to our criminal investigations department and progressed to a full investigation.
3. During the same period, two criminal investigations as described above resulted in prosecutions, information about our prosecutions is available on [this page](#) of our website, just filter by 'prosecutions' in the menu on the left

hand side of the screen. The information within the scope of question three is technically exempt pursuant to s.21 FOIA as it is publicly available.

This concludes our response.

Next steps

You can ask us to review 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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