

Date: 11 July 2023

IC-240116-L6L4

Request

You asked us:

"What carefully self selected list of issues was self reported to the ICO?"

This is in reference to Lewisham and Greenwich NHS Trust proactively contacting the ICO following the result of an employment tribunal.

We received your request on 19 June 2023. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

I can confirm we hold information in scope of your request. The information is exempt from disclosure by virtue of section 44 FOIA. This section of FOIA exempts information where information is prohibited by law from being disclosed. I have provided further information below.

FOIA Section 44 and DPA section 132

Some information has been withheld under section 44 of the FOIA. Section 44(1)(a) 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"

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(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."

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result the information is exempt from disclosure.

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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