

11 August 2023

ICO Case Reference IC-247732-D6R1

Request

You asked us:

"We are aware that other Trusts have experienced these issues and wondered if this has been raised with you from other Trusts?"

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

Our response

We publish certain information about data security breaches reported to us by organisations on our website.

[Data security incident trends | ICO](#)

The data security incident trends dashboard shows that there were 157 incidents reported in 2022, in the health sector, involving health data that was emailed to an incorrect recipient.

To establish if a breach was reported to us by an NHS Trust concerning a specific data processor forwarding *"identifiable patient information onto non NHS e-mail addresses"* we would need to manually check personal data breach cases. Performing such manual checks can be time consuming and is not always the best use of our resources.

Section 12 FOIA

It is our view that conducting the searches necessary to confirm if we hold the specific information you have asked for would exceed the cost limit set out by section 12 of the FOIA. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Assuming we limited our checks to the 157 personal data breach cases highlighted above. A thorough search in relation to each case would take approximately 10 minutes to complete – and considering complexity it is certain that some searches would take longer – this would equate to over 26 hours' worth of searching. Anything that exceeds 18 hours would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

Advice and Assistance

Please review the data security incident trends dashboard before making any reformulated information request. You could consider making a request about a particular NHS Trust or supplying a short time period of interest.

Our Business Advice Services team will be in contact to respond to other aspects of your communication in due course.

That concludes our response to this information request.

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,



Information Access Team

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personal data see our [privacy notice](#)**