

29 January 2024

IC-282724-Q9Q8

Request

On 17 January 2024 you made a request for:

'special category data' and 'extra protected data' data breaches of UCLH hospital patient data between 1 January 2014 and 17 January 2024. See below for an ICO website screenshot and definitions.

The list of breaches by UCLH hospital aka University College London Hospital you supply/print should include:

- a. The date of breach*
- b. The type/method of breach for each breach (letter / email / phone / verbal / biometric / etc)*
- c. Any subject category given to each breach*
- d. And a brief summary of each breach: I believe this information should be recorded when these data breaches occur. I appreciate patient names and identifying information etc cannot be included.*

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

Response

We hold information that falls within scope of your request. Information about data breaches reported to the ICO by UCLH is published in [our complaints and concerns datasets](#), on the [personal data breach cases page](#). The data sets on this page can be searched by data controller name, and include details such as date received and outcome. In accordance with [our retention policy](#), we do not retain information about breaches reported to us indefinitely, therefore anything reported to us more than two years ago is unlikely to be retained.

The specific details you have requested, i.e. which of these data breaches involve special category data, and the corresponding incident details and summaries,

have been withheld in accordance with Section 44 of the Freedom of Information Act 2000 (the 'FOIA'). This is because the information was provided to us by an identifiable third party and we do not have a lawful basis to disclose it.

Information withheld - FOIA section 44

The information we have received from UCLH about the nature of each data breach (including incident details and the type of data affected in each case) has been withheld under the provisions of section 44 of the FOIA which places prohibitions on disclosure. This exemption is an absolute exemption, which does not require a consideration of the public interest test of the type required by the qualified exemptions.

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'

The enactment in question is the Data Protection Act 2018 and specifically section 132(1) of part 5 of that Act. This 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 the circumstances in which a disclosure can be made with lawful authority, however we find that none of them apply here. As a result the information is exempt under the FOIA and withheld from our response.

Advice and assistance

We may be able to consider requests that relate to specific data breaches, and details about breaches relating to particular organisations (including the case reference numbers) can be found within the datasets linked to in page 1 of this

letter. Please note that some types of information relating to individual data breaches may be subject to exemptions, as was the case here.

In addition to the datasets mentioned above, we publish information about [data security incident trends](#), [action we've taken](#), and [responses to previous FOI requests](#). You may find it helpful to search these resources and our website more broadly if you are interested in particular issues or organisations. As previously mentioned, we are unlikely to hold any information about breaches that were reported to us over two years ago.

This concludes our response to your 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](#) on our website.

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 sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely

