

30 April 2024

**Reference number: IC-298350-R7Q1**

**Request**

You asked us: *"I'm aware that the Information Commissioner's Office publishes info on data breaches by sector. My understanding is that this is for the UK as a whole?...is interested in data re. healthcare data breaches for Wales specifically (and if possible split by NHS and private settings), is it possible to obtain this?"*

We received your request on 4 April 2024.

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

**Our response**

Having searched our records, we can confirm we hold information in the scope of your request.

Please find attached a spreadsheet which shows the personal data breaches that have been reported to us where the data controller (DC) has been selected as being located in Wales.

Please note, the accuracy of this information is dependent upon the ICO having recorded the correct location when creating an account for the DC on our case management system (CSM) and, therefore, there may be errors.

We are disclosing the information as it is currently held as this in accordance with the FOIA, however, we would like to advise you that we hold 16 data breaches for Betsi Cadwaladr University Local Health Board, one for Betsi Cadwaladr Community Health Council and 24 for Hywel Dda University Local Health Board. It our understanding that these DC's are located in Wales, however, have been recorded as being located in England on our CSM.

As the ICO records data breaches by the name of the DC, we do not hold explicit information about which organisations are part of the NHS and which ones are not. The subsector of the DC is something that we record and we do record when a DC's are 'Private Healthcare providers'. This information can be found in the

'subsector' column, however, as above, this information may not be accurate and it's accuracy will depend upon us recording the correct subsector.

Where the DC is listed as 'Anon DC', we have amended this entry as an individual was identifiable from the information held. This information is not being disclosed in accordance with the exemption provided by section 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

Lastly, we can also advise that the data breaches reported to us, are available on our [website](#). These date back to Quarter 4 2020/21, which is further back than the information held on our CSM, and are available to Quarter 3 2023/24. We regularly publish these on a quarterly basis in arrears and are currently working on publication of the next batch which will cover Quarter 4 2023/24.

We are advising you about this should you wish to know about any other DC's which have reported breaches to us.

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



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