

Reference Number: FOIAH2324/729
From: Press/Media
Date: 21 March 2024
Subject: Patient misidentification incidents

Q1 The number of Datix incidents logged involving patient misidentification, broken down by category of harm if possible, for each of the five following calendar years: 2019, 2020, 2021, 2022, 2023

If the trust did not or has stopped using Datix during this time period, please would you also provide details of incidents involving patient misidentification reported on any equivalent safety reporting system used by the trust.

A1

Year	Near Miss	No Harm	Minor Harm
2019	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	5	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
2020	5	9	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
2021	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0
2022	0	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
2023	0	5	0
Total	9	26	10

The Trust is unable to respond to all or specific elements of your request where the response would indicate five or less individuals. The Trust is withholding this information under Section 40 (Personal Information) of the Freedom of Information Act (FOIA) 2000 to reduce the risk of any individuals being identified. The Trust is of the view that

disclosure of such information would significantly increase the risk of individuals being identified and as such would constitute a breach of their personal data.

The Trust has applied exemption Section 40(2) of the FOIA and is therefore withholding the information as disclosure which may identify an individual would breach their rights under the Data Protection Act 2018. The grounds for application of this exemption include:

- Any data relating to patients or staff is third party data, furthermore health data is classified as sensitive personal data within the Data Protection Act 2018. As such, Section 40 (2) of the FOIA applies along with the Trusts duty of confidentiality. Therefore under s.2 (3) (f) (ii) of the FOIA, there is an absolute exemption from disclosure on the grounds that it would contravene the First Data Protection Principle.
- The Trust has a duty under the Data Protection Act 2018 and specifically the First Data Protection Principle to ensure personal data regarding staff and patients is processed fairly and lawfully. Disclosure of such data which may identify an individual, either through the data alone or other data in conjunction with that data which may identify an individual would therefore breach this principle.
- The Data Protection Act 2018 defines sensitive personal data to include data relating to the “physical or mental health or condition” of a person. Any such information about specific individuals falls within this category and disclosure of such data including statistical data, with any potential likelihood of identification would breach the Data Protection Act 2018.