

14 December 2023

Our Ref: RFI 54289

Dear

**Freedom of Information Act 2000
Information in Relation to ICT Systems and Equipment.**

I am writing to confirm that the South Eastern Health & Social Care Trust (the Trust) has now completed its search for information relating to above which you requested on 19 October 2023. Please accept my apologies for the delay in responding to your request, thank you for your understanding and forbearance.

A response to questions 1a - 1i, 2, 3, 4 & 5 have been provided by the Planning & Performance Management Directorate and is attached in Appendix A.

In relation question 1j, I would like to advise you that the Trust has decided not to release the information that is held for the following reasons:

The information requested in questions 1j is exempt from release under Section 31 and Section 38 of the Freedom of Information Act 2000.

These are all qualified exemptions and so a Public Interest Test was carried out to decide if the information should be released or not. Having weighed up the factors for and against release, it was decided to withhold this information because the disclosure of such information would:

- a) (Section 31) Leave the Trust patients, clients & staff more vulnerable to crime.
- b) (Section 38) permits the withholding of information if there is a risk to Health and Safety of Individuals within the Trust. To withhold there must be a likelihood of endangerment to the physical or mental health of any individual.

Section 31 – Law Enforcement Section

Section 31(1)(a) states that information is exempt if its disclosure is likely to prejudice the prevention or detection of crime. ICO guidance states that this can be used to protect information on a public authority's systems, which would make it

more vulnerable to crime. It can be used by a public authority that has no law enforcement function:

- To protect the work of one that does
- To withhold information that would make anyone, including the public authority itself, more vulnerable to crime

Section 38 – Health and safety

Section 38 states that as a security attack may lead to the placing of patient and client information into the public domain, the release of the requested information could potentially lead to harm for a number of patients (in a mental health context or may lead to physical harm).

The Trust believes there is a link between the risk endangerment for data subjects and the disclosure of the requested information. There would likely be a substantial detrimental effect on the physical or mental health of patients and clients, should the requested information be released.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice in respect of question 1j.

If you are unhappy as to how this request has been handled, you have the right to seek a review within the Trust in the first instance. You should write to the Information Governance Department, Lough House, Ards Community Hospital (informationgovernance@setrust.hscni.net) within two months of the date of this response and your complaint will be considered and a response provided, within 20 working days of receipt.

If, after receiving a response, you remain unhappy, you can refer your complaint to the Information Commissioner at The Information Commissioner's Office –Northern Ireland, 3rd Floor, 14 Cromac Place, Belfast, BT7 2JB. It is important to note that if you refer any matter to the Information Commissioner, you will need to show evidence of having gone through the Trust's internal review procedure to try to resolve the matter with the Trust in the first instance.

If you have any queries about this letter, please do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Caroline Degans
Information Governance Officer

Q1. *Under the Freedom of Information Act, I would request you to respond to questions included in the attachment.*

A1. Please see Attachment 1 for Questions 1a – 1i. 2, 3, 4 & 5.