

August 2011

- 1) *Please complete the attached spreadsheet of the incidents where staff at your Trust were reported to have accessed confidential medical records, from 2000 to 2010, and details.*
- *'Incident' - any incident or event involving NHS trust staff accessing confidential medical information where their duties at the Trust did not require them to do so, and/or where it was alleged that the records were accessed in violation of the Data Protection Act 1998. For instance, this would include incidents where staff have accessed confidential medical records out of personal interest (where their job did not require them to do so), or incidents when staff accessed confidential medical records in order to disclose that information to other staff or to individuals outside of the Trust (including incidents when this was done for personal profit).*
 - *Type of data - type of medical data (if possible to express without identifying subject)?*
 - *Victims informed - Were the individuals whose data was lost informed about the incident?*

We are unable to provide you with any data prior to the financial year 2009/10 as this data is not easily accessible and to collate it would take more than 2.5 days. The associated cost would exceed the fee limit of £450 set out under Section 12 of the Freedom of Information Act, which for an NHS Trust is calculated on the basis of the cost of one person spending 2.5 working days locating, retrieving and reporting on this information at a rate of £25 per hour.

We are able to provide some of the required data for the financial years 2009/10 and 2010/11 as detailed below.

During the financial year 2009/10, the Trust reported 4 serious data security incidents to its main Commissioner's, NHS South East Essex and, as appropriate, other relevant bodies such as the Information Commissioner's office. Patients were informed of cases where details of their care could have been at risk of unauthorised access. On investigation, no evidence was found of any compromise to patient care as a result of these incidents. Disciplinary action was taken against one member of staff who was involved in one of these incidents and where malicious intent was proved.

During the financial year 2010/11, the Trust reported 3 serious data security incidents to its main Commissioner's, NHS South East Essex, and, as appropriate, other relevant bodies such as the Information Commissioner's office. Patients were informed of cases where details of their care could have been at risk of unauthorised access. On investigation, no evidence was found of any compromise to patient care as a result of these incidents. Malicious intent could not be proved in any of these cases, so staff received written warnings and training as to their responsibilities under the Data Protection Act and the Caldicott principles of responsible information sharing.