

Freedom of Information Act 2000 disclosure log entry

Reference

19-20214

Date sent

04/10/2019

Subject

DSPT Assertions Submitted & reported data breaches
Over last 20.5 months

Details of enquiry

1. Please can you provide your submissions, made to NHS Digital, for all assertions in relation to the Data Security and Protection Toolkit.
2. Please can you provide the number of personal data breaches from the 1st January 2018 to 15th September 2019.
 - a. Please can you also provide the number of these breaches which were reported to the Information Commissioner's Office (ICO).

Response Sent

1. Please can you provide your submissions, made to NHS Digital, for all assertions in relation to the Data Security and Protection Toolkit.

We have considered your request for the Trust's Toolkit submissions and concluded that the exemption under Section 31(a) *Law Enforcement: the prevention or detection of crime is engaged*. We have carried out the public interest in respect of this element of your request.

Arguments in favour of disclosure:

- There is undoubtedly a public interest in how public bodies protect and secure their information assets and comply with Toolkit requirements.
- There is a public interest in how public funds are utilised and spent.

Arguments against disclosure:

- Disclosure of this information could prejudice the security of our information assets by facilitating criminal activity, including cybercrime, particularly when combined with other information that may be gleaned from other sources.
- Any compromise to the confidentiality, integrity or availability of our information assets is likely to impact on our operations. Any impact on services could compromise patient safety and wellbeing.
- Any incident that results in a loss of confidentiality, integrity or availability of data could require substantial resources to resolve and incur significant costs

2. Please can you provide the number of personal data breaches from the 1st January 2018 to 15th September 2019.

I can confirm that the Trust holds information that falls within the description specified in your request, but we have estimated that it will cost more than the resources provisioned under the Freedom of Information Act 2000 (FOIA 2000) to consider your request. Section 12 of the Act makes a provision for refusal of requests for information where the cost of dealing with them would exceed the appropriate limit of 18 hours/£450. I hope you will understand that the Trust is therefore not obliged to respond to this question, so we will not be processing it further.

The reason for this is that the Trust does not electronically categorise incidents of personal data breaches in a way that would enable us to electronically identify them and run a report for you. We estimate that to manually identify, extract, and collate the data from amongst 140 individual incident records, at approximately 10 minutes per record, would equate to approximately 23 hours/ 3 working days of work.

If you would like to reduce the scope of your this question, for example by reducing the time period covered to, say, three months, then we may be able to assist you within the appropriate limit and the Trust would treat any reformulated enquiry received as a fresh FOI request.

- a. Please can you also provide the number of these breaches which were reported to the Information Commissioner's Office (ICO).

For the period 1 January 2018 to 15 September 2019 three personal data breaches were reported to the ICO.