

Freedom of Information Act Disclosure log - Reply Extract

File reference	W20FOI387
Key words	Neighbourhood Specific Cancer Statistics for Plymouth 2014 - 2020
Date of release	24/12/2020
Attachments	Yes

You asked

Please supply the complete Cancer statistics for Plymouth (all areas - neighbourhood specific) from Jan 2014 to Dec 2020 for patients treated at University Hospitals Plymouth NHS Trust.

Please refer to the attached reply. The neighbourhood statistics have been presented in the form of the relevant post code areas. This methodology is the recognised means by which Plymouth specific data is presented.

The Trust cannot provide full data for the current month because your request was received before the period ended.

The Trust cannot provide figures that are five or fewer and our legal notes provide an explanation why.

Attachments included: Yes x one spreadsheet

Legal notes

University Hospitals Plymouth NHS Trust is confirming in accordance with section 1 (a) of the Act that it holds the information requested and is supplying it in accordance with section 1(b) unless otherwise specified by virtue of section 41.(1) and section 40 (2) as applicable or because the period is not complete. The Trust in balancing its duties under the Data Protection Act, Access to Health Records Act and Freedom of Information Act has provided a five or fewer statement to indicate a low number.

Section 41(1) Information provided in confidence

We hold the information requested, but are unable to provide this. We can confirm the number is five or fewer.

University Hospitals Plymouth NHS Trust takes the view that this information is exempt from disclosure in accordance with section 41(1)(a) and (b) of the 2000 Act. The reason why the Trust takes this view is because the numbers are low and therefore the public could with this information, and any other publicly available information, identify the deceased or other living persons through association. The Trust believes that the information it obtains from patients carries a duty of inferred confidence and that the release of such information would breach that trust. This

duty continues regardless of whether they are alive or deceased and extends in the protection of their families from inappropriate intrusion. A Public Interest Test and a review of Information Commissioner Guidance supported the proposed position.

Section 40 – Personal information

Please find the answers to your questions noting that we have redacted the data set where numbers are five or fewer.

This avoids a breach of the first two Data Protection Act principles and the general right to object to processing. This is in accordance with section 40.-(2)(a) and (b) by virtue of the first and second condition. This exemption only applies to living patient's data only.

Attachments included: Yes