

Freedom of Information Act Disclosure log - Reply Extract

File reference	W20FOI400
Key words	Plymouth Local Authority Patients Diagnosed at Derriford 2014 - 2020
Date of release	26/01/2021
Attachments	Yes

You asked

Further to our response to case number 20FOI387

You asked

1. **Are the Plymouth Hepatico-pancreatico-biliary Cancer Centre figures included in the data provided?**

Yes

2. **Can you please indicate what recorded categories represents the data provided for**
 - a. **Primary liver cancer (Hepatocellular carcinoma) - cancer starting in the liver**
 - b. **Secondary liver cancer (Metastatic cancer) – cancer which started in another part of the body and has spread to the liver.**
 - c. **Pancreatic cancers**
 - d. **Ampullary Cancer**
 - e. **Duodenal cancer**
 - f. **Bile duct cancer (cholangiocarcinoma)**
 - g. **Gall bladder cancer**
 - h. **Neuroendocrine disease**
 - i. **Non-Hodgkin's lymphoma**

Please see attached spreadsheet and refer to legal notes reference the use of five or fewer.

The Trust does not hold the information requested in 2b.

The data for the previous FOI request (20FOI387) included a number of unknown primaries that were managed through the Upper Gastrointestinal team (UGI), so these figures are slightly different from what was supplied in the first request for UGI.

[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