



Resolution

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February 2021
FOI_4933

Thank you for your email of 18th January 2021 in which you requested the following data from the Practitioner Performance Advice service:

“I want to know how many times Practitioner Performance Advise/PSR has responded to a request from Wirral University Teaching Hospital NHS Trust to produce an action plan for each of the years 2014-2020.”

We are unable to meet your request due to the number of cases being below five on our case records for the time period specified, and organisation specified. We believe the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be confidential in nature (relating to an individual's performance at work) NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved.

Furthermore, disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3)(a)(i) of the Freedom of Information Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle (this deals with fairness and lawfulness). We do not believe the data subjects would expect us to process their personal information in this way and we do not believe there is a legal requirement for us to do so.

Please also refer to the following Information Commissioner's Office decision notice which supports our reliance section 40(2):

<https://ico.org.uk/media/action-weve-taken/decision-notices/2020/2617339/fs50873968.pdf>

This concludes our response to your request.

We hope this above information is helpful.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Head of Corporate and Information Governance for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/>