



Wrightington, Wigan and Leigh Teaching Hospitals

NHS Foundation Trust

Information Governance Department

Suite 9
Buckingham Row
Brick Kiln Lane
Wigan
WN1 1XX

Email: foi@wwl.nhs.uk

Web: www.wwl.nhs.uk

Ref: FOI/2024/10000

Date Received: 22nd July 2024

Response Due: 19th August 2024

Date: 12th August 2024

Dear Sir/Madam

With reference to your request for information received on 22nd July 2024, I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold part of the information you have requested. A response to each part of your request is provided below.

In your request you asked:

1. Does your Trust currently have cyber security insurance?

This information is exempt under Section 31 of the FOI Act for the following reasons: The Trust like any organisation may be subject to cyber-attacks and, since it holds large amounts of sensitive, personal and confidential information, maintaining the security of this information is extremely important. Cyber-attacks, which may amount to criminal offences for example under the Computer Misuse Act 1990 or the Data Protection Act 1998, are rated as a Tier 1 threat by the UK Government.

2. What is the name of the Chief Executive?

A search for the information has now been completed within the Trust the information is exempt under Section 21 of the FOIA as it is reasonably accessible to you, and I am pleased to inform you that you can access it via the following link: <https://www.wwl.nhs.uk/board-and-board-papers>

Please select "Chair and Chief Executive" on the above link to view the requested information.

3. How many doctors and nurses are HIV positive?

After careful consideration, we regret to inform you that we are unable to provide the information requested. This decision is made in accordance with Section 41 of the Freedom of Information Act 2000. (FOIA)

Section 41 of FOIA exempts from disclosure of any information that was obtained by the public authority from any other person (including another public authority) and the disclosure of which would constitute a breach of confidence actionable by that or any other person. The relevant part of the legislation states:

41.—(1) Information is exempt information if — (a) it was obtained by the public authority from any other person (including another public authority), and, (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

The information you have requested pertains to sensitive personal health data about WWL Staff. This type of information is provided with the expectation of confidentiality. Disclosing the number of staff members who have reported begin HIV positive, could lead to a breach in confidentiality and potentially harm the individuals concerned.

4. How much does each privacy curtain costs the Trust?

This information is being withheld under Section 43 of the Freedom of Information Act. Please see below.

5. The number of operations your Trust has done to remove rectal foreign bodies from patients in 2022.

The Trust has a policy of not releasing information when the data involved is less than 5. This is because we feel that such low numbers could make the individuals involved identifiable and therefore may cause undue harm and distress.

To disclose this information would:

- a) Contravene the Data Protection Act principles in that it would amount to unfair and possibly unlawful processing, as there was a legitimate expectation by the third parties that this information would remain confidential, and
- b) Disclosure may cause damage or distress to the individual(s) involved, and that damage or distress would be unwarranted (section 10 of the DPA).

6. The amount of waste generated within the last year for each of the following categories:

- **General**
- **Recycling**
- **Food waste**
- **Offensive**

Your request is refused under section 39 of the Freedom of Information Act 2000 (FOIA). Section 39 pertains to the exemption of information that falls under the environmental information regulations 2004 (EIR). Specifically, section 39 states:

39.—(1) Information is exempt information if the public authority holding it - (a) is obliged by environmental information regulations to make the information available to the public in accordance with the regulations, or (b) would be so obliged but for any exemption contained in the regulations. (1A) In subsection (1) “environmental information regulations” means— (a) regulations made under section 74, or (b) regulations made under section 2(2) of the European Communities Act 1972 for the purpose of implementing any obligation relating to public access to, and the dissemination of, information on the environment. (2) The duty to confirm or deny does not arise in relation to information which is (or if it

were held by the public authority would be) exempt information by virtue of subsection (1). (3)
Subsection (1)(a) does not limit the generality of section 21(1).

The information you have requested is considered to be environmental information as defined under the environmental information regulations 2004. Consequently, it is exempt from disclosure under the Freedom of Information act.

7. Please can you confirm how many shifts have been released/allocated to ON framework agencies within the last 90 days?

Please redirect your question to the NHS Professionals Freedom of information Team. Contact details can be found below.

Email: FOI@nhsprofessionals.nhs.uk

Write to the Information Governance Officer at:
Information Governance Department
NHS Professionals
Suites 1a & 1b
Breakspear Park
Breakspear Way
Hemel Hempstead
HP2 4TZ

Section 43(2) – Commercial interests

Information regarding the cost of privacy curtains has been withheld under section 43(2) of the FOIA if its disclosure would be likely to prejudice the commercial interests of the Trust.

Section 43 of the FOIA is a qualified exemption and is subject to the Prejudice Test and the Public Interest Test.

Prejudice test

We confirm that we have carried out a full prejudice test and that, on the balance of probability, the Trust's interests would be prejudiced in the event of disclosure. Therefore, we confirm that the Prejudice Test is engaged.

Public interest test

We have also carried out the Public Interest Test to ascertain whether the public interest in disclosure outweighs the public interest in withholding the requested information:

Public interest in disclosure of the information:

- We acknowledge that there is public interest in transparency around how the Trust engages with suppliers and procurement.
- We acknowledge that there is public interest in the Trust's finances.

Public interest in withholding of the information:

• **Protecting public finances** – As a public authority, the Trust must ensure that it obtains the best value for money. Disclosure of the information would be likely to affect the quality of future offers provided to the Trust. It is therefore firmly in the public interest not to disclose any information which would affect commercial offers made to the Trust, which in turn will affect the Trust's finances.

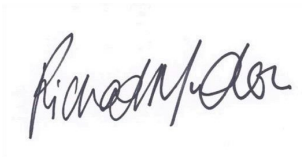
• **Ensuring fair competition** – Information provided to the Trust during the procurement process contains sensitive competition information. It is not in the public interest to disclose information which would affect free and fair competition.

• **Transparency** – We understand that there is public interest in how the Trust engages with suppliers. However, we consider that the information held by the Trust would not significantly further the public understanding of its relationship with these suppliers beyond what has already been disclosed in this response.

• **Reputation damage or loss of confidence** - It is firmly in the public interest that the Trust takes all steps to protect its reputation around information handling. It is not in the public interest to do anything which would jeopardise our ability to maintain strong working relationships with third parties.

If you are not entirely satisfied with this response, please do not hesitate to contact the Information Governance Department via the email address provided. If we do not hear from you within 40 days, we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Mundon', is shown within a rectangular box.

Richard Mundon
Director of Strategy and Planning

PLEASE NOTE:

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, Suite 9, Buckingham Row, Brick Kiln Lane, Wigan, WN1 1XX.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

Helpline number: 0303 123 111