

Date: 08/02/2017

FREEDOM OF INFORMATION REQUEST FOI/013240 – Assault related injury

**The data we require are as follows (for period 1st January 2016 and 31st December 2016) in an electronic format that allows us to read the data into a database. Many hospitals respond to our survey and provide data in the form we require. Preferably this format is in an excel file or comma separated text file.**

**We require the**

- 1. Gender of the patient (M or F),**
- 2. The date that they attended due to assault (dd/mm/yyyy)**
- 3. And their age. Age can either be numerical to the nearest year (preferred) or in age bands ("0-10", "11-17", "18-30", "31-50", "51+"), we can also accept date of birth.**

**To calculate the level of assault-related injury in England and Wales we also require the total number of attendances for any reason in the year of interest, i.e. 2016.**

**The Data Protection Act places restrictions on what data can be shared. It is the view of nearly 100 hospitals in England and Wales that the data we are requesting (age, date of attendance and gender) do not constitute personal information and that it is not realistic to expect that information to be used to discover an individual's identity**

What constitutes personal information is set out by law not by individual Trusts.

As a Data Controller any response the Trust provides under a Freedom of Information request is classed as being released into the public domain. Should the Trust not be mindful and protective of pseudonymised patient data, it would not be following guidance provided by the Data Protection Act 1998, The Caldicott Principles and the General Data Protection Regulations (GDPR). Therefore it *is* realistic to expect that pseudonymised information could be used to discover an individual's identity.

Data controllers must ensure that any processing of personal data for which they are responsible complies with The Data Protection Act 1998. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

The responses to our Freedom of Information requests not only go to the requester but are also published on our Trust website under our disclosure log in the public interest.

If the Trust was to publish the information in the format you had originally requested, individuals for whom the information relates could potentially identify that the information was about them and would have the potential to cause them distress, for which we would be accountable.

To assist with your request, and also prevent potential identification of individual patients, for whom we have a duty of confidentiality, we have supplied the following information in the public interest:

**The Trust has supplied the data in quarters, has provided an age range and a quarterly totalled Gender.**

Your request asked for the

- date, month and year of the assault.
- age or date of birth of the patient

- gender of the patient

We feel that this level of detail would allow the individuals themselves to identify that this information was referring to them, particularly along with their Gender and age and the fact that they had been assaulted.

Assault information is also classed as “sensitive” information for the purpose of the Data Protection Act 1998 and as “special category data” within GDPR and as such is afforded even more protection for purposes which are not for the on-going patient care i.e. where it is being used for secondary purposes.

Patient Gender has been provided, but this also has been provided quarterly, in the public interest, avoiding the potential of identification of individuals.

The total figure relating to 0-10yr children is included because of the very low numbers in the Quarter/s, which could in itself allow identification of individual/s in the public domain.

Qtr. of Attendance 2017	Gender		Age Range				
	Male	Female	Age 0-10	Age 11-17	Age 18-30	Age 31-50	Age 51+
Q1 Jan-Mar	129	64	13 in total for the whole period	29	80	63	21
Q2 Apr-Jun	151	65		35	88	75	18
Q3 Jul-Sep	152	57		34	87	66	22
Q4 Oct-Dec	149	73		28	106	66	22

**To calculate the level of assault-related injury in England and Wales we also require the total number of attendances for any reason in the year of interest, i.e. 2016.**

January to November 2016 data is published at:-

<https://www.england.nhs.uk/statistics/statistical-work-areas/ae-waiting-times-and-activity/statistical-work-areas-ae-waiting-times-and-activity-ae-attendances-and-emergency-admissions-2016-17/> - as Monthly A & E [Month name] 2016 xls file. Code RNA Type 1 A & E Attendances.

December 2016 unpublished = 8720