

Ref no: 091160516  
From: Commercial  
Date: 16/05/16  
Subject: Details of breaches of the Data Protection Act

## REQUEST & RESPONSE

I am writing under the Freedom of Information Act 2000 to request details of breaches of the Data Protection Act within in your organisation; specifically I am asking for:

1a. Approximately how many members of staff do you have?

6000 at St Helens & Knowsley NHS Trust

1b. Approximately how many contractors have routine access to your information?

The Trust has 56 Information Sharing Agreements with third parties/contractors

(see [www.suresite.net/foi.php](http://www.suresite.net/foi.php) for clarification of contractors if needed)

2a. Do you have an information security incident/event reporting policy/guidance/management document(s) that includes categorisation/classification of such incidents?

Yes

2b. Can you provide me with the information or document(s) referred to in 2a? (This can be an email attachment of the document(s), a link to the document(s) on your publicly facing web site or a 'cut and paste' of the relevant section of these document(s))

Yes Data Protection Policy - Please see attached

3a. Do you know how many data protection incidents your organisation has had since April 2011? (Incidents reported to the Information Commissioners Office (ICO) as a Data Protection Act (DPA) breach)

Answer: Yes, No, Only since (date): Yes

3b. How many breaches occurred for each Financial Year the figures are available for?

Answer

FY11-12:

FY12-13:

FY13-14:

FY14-15:

This information is available in the Trust's Annual Reports for each of the years requested. Annual reports are publicly available on the Trust website: <http://www.sthk.nhs.uk/about/trust-publications/annual-report>

4a. Do you know how many other information security incidents your organisation has had since April 2011? (A breach resulting in the loss of organisational information other than an incident reported to the ICO, e.g. compromise of sensitive contracts or encryption by malware.)

Answer: Yes, No, Only since (date): No – The Trust do not hold this information in this format. In order for the Trust to provide this information in the way requested it would be necessary to retrospectively 'grade' all previous incidents for the financial years requested. Section 12 exemption applied to this question. Please see below for an explanation of the Section 12 exemption

Under section 12 of the Freedom of Information Act St Helens & Knowsley Teaching Hospitals Trust does not have to comply with a request if we estimate that the cost of complying with your request would exceed the appropriate limit of £450. The appropriate limit has been specified in regulations. This represents the estimated cost of one person spending 2½ working days in answering the remainder of your questions. Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further

4b. How many incidents occurred for each Financial Year the figures are available for?

Answer

FY11-12: Please see explanation above – Section 12 exemption

FY12-13: Please see explanation above – Section 12 exemption

FY13-14: Please see explanation above – Section 12 exemption

FY14-15: Please see explanation above – Section 12 exemption

5a. Do you know how many information security events/anomaly your organisation has had since April 2011? (Events where information loss did not occur but resources were assigned to investigate or recover, eg nuisance malware or locating misfiled documents.)

Answer: Yes, No, Only since (date): Please see explanation above – Section 12 exemption

5b. How many events occurred for each Financial Year the figures are available for?

Answer

FY11-12: Please see explanation above – Section 12 exemption

FY12-13: Please see explanation above – Section 12 exemption

FY13-14: Please see explanation above – Section 12 exemption

FY14-15: Please see explanation above – Section 12 exemption

6a. Do you know how many information security near misses your organisation has had since April 2011? (Problems reported to the information security teams that indicate a possible technical, administrative or procedural issue.)

Answer: Yes, No, Only since (date): Please see explanation above – Section 12 exemption

6b. How many near-misses occurred for each Financial Year the figures are available for?

Answer

FY11-12: Please see explanation above – Section 12 exemption

FY12-13: Please see explanation above – Section 12 exemption

FY13-14: Please see explanation above – Section 12 exemption

FY14-15: Please see explanation above – Section 12 exemption

If the specific answers to 4, 5 and 6 are not readily available, I am content for these questions to be modified/replaced with similar questions that are derived from your organisations categorisation/classification system within the documents requested in question 2.

I would need to first make an FoI request for question 2 in order to frame suitable questions 4, 5 and 6, then make a second request.

If you are considering a manual review of all incidents to satisfy 4, 5 and 6, please re-read this section and interpret it as latitude to reuse information that you are currently recording (manual review may be the best for some organisations). Similarly calendar year can replace financial year.

Please state in the reply if this option has been implemented.

Question 6a is typically IG SIRI level 2 or higher incident,

Question 7a is typically IG SIRI level 1 incidents and

Question 8a is typically IG SIRI level 0 incidents.

If your information is managed by a parent organisation or the information I seek is consolidated for several organisations, I am content to accept a consolidated return from the lead organisation identifying who the return covers.

My preferred format to receive this information is electronically, but if that is not possible I will be willing to accept hard copy.

I would be grateful if you could include my reference Ref: 705810

**Response** - Under section 12 of the Freedom of Information Act St Helens & Knowsley Teaching Hospitals Trust does not have to comply with a request if we estimate that the cost of complying with your request would exceed the appropriate limit of £450. The appropriate limit has been specified in regulations. This represents the estimated cost of one person spending 2½ working days in answering the remainder of your questions. Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further