

Ref no: 213200818
From: [Press](#)
Date: 20.08.2018
Subject: Messaging platform

REQUEST & RESPONSE

I am looking into incidents of trust staff or contractors improperly using messaging platforms (such as, but not limited to, WhatsApp) to communicate information relating to patients.

For each of the last five years (2014 to 2018 inclusive), please tell me:

- How many staff or contractors at your trust have been investigated for doing so?

*Less than 5.

- How many staff or contractors were sanctioned / disciplined for doing so. For each sanction, please say what it was: for example, if it was a monetary fine, please give the value; if it was a suspension, please give the duration.

*Less than 5.

- For each incident of a staff member or contractor being investigated and / or sanctioned, please say: 1) what messaging platform was involved; 2) that individual's broad role at the trust, for example doctor (junior or consultant), nurse, management.

*Less than 5.

- For each incident of a staff member or contractor being investigated and / or sanctioned, please say whether the patient or patients concerned were informed that a possible misuse of their data had taken place

*Less than 5.

- Does your trust have explicit rules against such use? If so, please point to them.

The Trust has a number of policies in place governing the appropriate sharing of information, the use of mobile devices and instant messaging services. The broad principles and expectations for staff are covered in our Confidentiality Code of Practice and our Mobile Device Policy

* = **Please note:** We are unable to provide precise figures when these are five or less due to the risk that individuals will be identified, as we are required to protect their identity under the Data Protection Act. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle which, in our view, would be breached by disclosure. In such circumstances section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.