

Ref no: 386090321  
From: Public  
Date: 09/03/2021  
Subject: Healthcare worker deaths

## REQUEST

We would like to know between the dates of Jan 1st 2020 and March 1st 2021 the number of healthcare workers employees within your trust have died due to COVID-19.

## RESPONSE

I can confirm that the Trust holds information that you have asked for, but in this case we will not be providing it to you as it is exempt from disclosure. We are not obliged to provide information that has been provided in confidence to the Trust (section 41(b) of the Freedom of Information Act).

### Guidance

Section 41 provides an exemption to the right of access under the Freedom of Information Act if release would be an actionable breach of confidence.

This exemption qualifies the right of access under Freedom of Information Act by reference to the common law action for 'breach of confidence'. According to that action, if a person who holds information is under a duty to keep that information confidential (a 'duty of confidence'), there will be a 'breach of confidence' if that person makes an unauthorised disclosure of the information.

The concept of 'breach of confidence' has its roots in the notion that a person who agrees to keep information confidential should be obliged to respect that confidence. However, the law has now extended beyond this: the courts recognise that a duty of confidence may also arise due to the confidential nature of the information itself or the circumstances in which it was obtained.

The concept of 'breach of confidence' recognises that unauthorised disclosure of confidential information may cause substantial harm. For example, the disclosure of a person's medical records could result in a serious invasion of that person's privacy, or the disclosure of commercially sensitive information could result in substantial financial loss. The law protects these interests by requiring the information to be kept confidential: if information is disclosed in

breach of a duty of confidence, the courts may award damages (or another remedy) to the person whose interests were protected by the duty.