

Date: **1 July 2019**

Our reference: **FOIRQ5233**

Dear Sir/Madam,

Thank you for your request for information processed under the Freedom of Information Act 2000. Please see our response to your request below:

Your Request

I am keen to know how many type of a particular surgery have been carried out over the last 5-10 years.

The condition I am interested in is Sprengel Deformity

How many surgical procedures have been carried out over the last 5-10 years to correct a sprengels deformity.

How many of those procedures included an associated Omovertebral Bone.

Did any of these procedures only remove an Omovertebral Bone without touching the scapula.

Are there any follow up reports on success rates of any of these procedures.

Our Request for Clarification

Request 1:

Please can you specify the exact time period for which you are requesting the information, e.g. the last five years.

Request 2:

We have made enquiries to establish whether we hold this information. It is unclear what you mean by 'follow up reports' and we would be grateful if you could be more specific about what you mean by this term, e.g. do you mean specific documents relating to these procedures?. We can then make further enquiries if you could provide more detail.

Your Responses to Our Requests for Clarification

Request 1: *Please clarify for the period 1st January 2008 to 31st May 2019*

Request 2:

I would be grateful if the trust can confirm the answers to the questions that are understood and that they have had 27 days to do so since my confirmation of dates which was already delayed since my original request on the 18th May.

If possible, once I know the answers to the above, I may or may not need to ask more detail so please delete the last point below from my original request.

Point to be removedAre there any follow up reports on success rates of any of these procedures.

Our Response

Great Ormond Street Hospital for Children NHS Foundation Trust (the 'Trust') is a single site, specialist tertiary paediatric trust. Please see our response (in bold) to your following request for information:

I am keen to know how many type of a particular surgery have been carried out over the last 5-10 years.

The condition I am interested in is Sprengel Deformity

How many surgical procedures have been carried out over the last 5-10 years to correct a sprengels deformity.

The Trust has carried out enquiries via our Information Services team relating to patients, who have had a Reduction of Sprengel Deformity procedure in the last 10 completed years. A search has been conducted on patients with a coded procedure of X19.1 (Reduction of Sprengel Deformity) performed at GOSH between 01/01/2009 – 31/12/2018.

The Trust is unable to disclose information due to the specific nature of your request relating to a low number of patients. Disclosure of this information could potentially identify individuals and constitute personal data. Your request is therefore exempt under the Freedom of Information Act 2000. Please see note below**

Please note: **The Trust is unable to respond to information where there have been fewer than five data subjects (<5). Great Ormond Street Hospital for Children NHS Foundation Trust (the 'Trust') is withholding this information under Section 40 (Personal Information) of the Freedom of Information Act (FOIA) 2000 in order to reduce the risk of identifying an individual. This is an absolute exemption and a public authority (the

“Trust”) is required to apply the public interest test to consider the information requested.

The Trust is of the view that in providing this information it would significantly increase the risk of individuals being identified. The Trust believes that Section 40(2) of the FOIA is applicable in withholding the information where disclosure of information could lead to individuals being identified that would be considered to be a breach of their rights under the Data Protection Act (DPA) 2018. The grounds for applying this exemption are as follows:

- In the context of your request, this data is third party information. The Trust categorises the information about our patients’ health as information falling within paragraph (e) of the definition of “sensitive personal data” in s.2 of the DPA 2018. As such, Section 40(2) of the FOIA applies to this information, as does the Trust’s duty of confidentiality. Therefore under s.2(3)(f)(ii) of the FOIA, there is an absolute exemption from disclosure on the grounds that it would contravene the First Data Protection Principle.
- The Trust has a duty under the DPA 2018 and the First Data Protection Principle to process personal data regarding the Trust’s patients fairly and lawfully and, in particular, not process data unless at least one of the conditions in Schedule 2 DPA is met, and in the case of sensitive personal data, at least one of the conditions in Schedule 3 DPA is also met.
- The Act has defined “sensitive personal data” to include data on the “physical or mental health or condition” of a person (s.2(e) DPA). Any medical information about specific individual falls within this category and disclosure of this data to a FOI applicant would be processing sensitive personal data of those patients.

In line with the guidance from the Information Commissioner’s Office based upon the requirements of the Data Protection Act the Trust has considered first whether it would be “fair” to process and disclose the requested information, and whether it would be lawful to disclose the requested information before considering whether any Schedule 2 and Schedule 3 conditions have been met. Disclosing medical information to the public regarding the Trust’s patients is likely to lead to emotional distress of the patients and their families. It is also the Trust’s position that there is a reasonable expectation on the part of the Trust’s patients and their families that their sensitive personal data would not be disclosed to FOI applicants.

A breach of this expectation would have the effect of the data being processed unfairly. The information that forms part of the medical records of an individual is therefore implicitly confidential. The courts and the Information Commissioner have long recognised the strong public interest inherent within keeping confidential medical information confidential. The Trust holds the view that Section 41 (1) of the FOIA is applicable for the reasons that: the information was obtained by the Trust; it has the necessary quality of confidence (being neither generally accessible nor trivial); and disclosure of this information to an FOI applicant would give rise to an actionable breach of confidence.

How many of those procedures included an associated Omervertebral Bone. The information is not centrally recorded and there is no specific clinical coding that can be applied for procedures involving an Omorvertebral Bone.

Did any of these procedures only remove an Omorvertebral Bone without touching the scapula. Please see our response above

Are there any follow up reports on success rates of any of these procedures. We have been unable to identify any centrally recorded information relating to “follow up reports” requested. You confirmed in response to our request for clarification this point was to be removed from your request for information.

Please note:

The information provided under the Freedom of Information Act 2000 is the information held on the date your request was received by the Trust.

We trust the information provided is sufficient and helped to answer any issues, concerns or questions. Should you have any further queries in relation to this request, please do not hesitate to contact the FOI Team and quote the above reference number on any related correspondence.

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Yours sincerely

Freedom of Information team

Great Ormond Street Hospital for Children NHS Foundation Trust

Email: foiteam@gosh.nhs.uk

[Enclosed – Your rights – see next page]

Your Rights

If you are not dissatisfied with the response you have received to your request for information, please contact the FOI team and quote your reference number on all correspondence relating to your request.

You can also write to the Head of Quality & Safety at the following address:

Quality & Safety team
Great Ormond Street Hospital
LONDON
WC1N 3JH

If you are still not satisfied with your response, you also have the right to appeal to the Information Commissioner.

You can contact the Information Commissioner's Office at the following address:

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