

Date: **23 December 2019**

Our reference: **FOIRQ5590**

Dear Sir/Madam,

Thank you for your request for information, which we have processed under the Freedom of Information Act 2000. Please see our response to your following request for information:

Your Request and Our Response (in bold)

With regards to the usage of Chimeric Antigen Receptor T-Cell (CAR T-cell) therapies. Could you please provide me with the following numbers of patients treated with an infusion of Chimeric Antigen Receptor T-Cell (CART-cell) therapies since 1st September 2019 with the following drugs and where possible please could you split by the indication for which the drug was provided:

*Kymriah (tisagenlecleucel) <5***

Yescarta (axicabtagene ciloleucel) 0

*B-cell acute lymphoblastic leukaemia (ALL) <5***

Relapsed or refractory diffuse large B-cell lymphoma (DLBCL) 0

Primary mediastinal large B-cell lymphoma (PMBCL) 0

*All Indications (Total) <5***

Great Ormond Street Hospital for Children NHS Foundation Trust (the 'Trust') is a single site, specialist tertiary paediatric trust. Please see our response above with the following note (<5**)

Please note: **Great Ormond Street Hospital for Children NHS Foundation Trust (the 'Trust') is withholding information where the number of patients is 5 or less (<5) covering a short period you have specified from 01/09/2019 (up to the date your request was received on 04/12/2019).

The Trust is withholding the information in order to reduce the risk of identifying an individual. The Trust believes that in providing this information would significantly increase the risk of individuals being identified. We are therefore withholding information in line with processing personal data in compliance with the General Data Protection Regulation (GDPR) 13 and Sections 40(2) – Personal Information under the Freedom of Information Act 2000.

Disclosing such information as requested could be considered a breach of individuals 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 under the DPA 2018. Section 40(2) of the FOIA therefore applies to this information, as does the Trust's duty of confidentiality, which is an absolute exemption for withholding information on the grounds that it would contravene the First Data Protection Principles. 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

In line with the guidance from the Information Commissioner's Office 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 of the schedules and conditions has been met.

In 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 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, which forms part of the medical records of an individual and 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 also 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. The information is therefore exempt under Section 40(2) and Section 41(1) of the FOIA.

Please note:

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

We hope the information provided is sufficient and helpful in answering your questions or any issues or concerns. 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.

Re-use of information

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For information which is not Great Ormond Street Hospital for Children NHS Foundation Trust copyright, e.g. external websites, please contact the named party directly.

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]



NHS

**Great Ormond Street
Hospital for Children**
NHS Foundation Trust

Your Rights

Should you have any questions relating to the response you have received to your request for information, please do not hesitate to contact the FOI Team. Alternatively, you are entitled to make a request for an internal review within two months from the date of receiving our final response to your original 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, however, you remain dissatisfied with the outcome of the internal review then you have the right to appeal to the Information Commissioner as the final stage of the FOI process. You can contact the Information Commissioner's Office at the following address:

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

Telephone: 0303 123 1113
Fax: 01625 524510