

Date: **16 March 2020**

Our reference: **FOIRQ5716**

Dear Sir/Madam,

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

### **Your Request**

*I am looking for the original picture issued by Great Ormond Street Children's Hospital showing a CAT scan of the head of a 23 month-old toddler who was injured in the nail bomb explosion in Brixton. It shows a 4 inch nail embedded in his brain and the picture was widely disseminated in the media and used by The Metropolitan Police following the attack. We are hoping to license this image for use within the documentary and I have attached a copy of the image to this request.*

### **Our Request**

Great Ormond Street Hospital for Children NHS Foundation Trust (the 'Trust') is a single site, specialist tertiary paediatric trust. The information you are requesting is the original scan belonging to a former GOSH patient; which is their own personal data and would therefore be held in their medical record. Even though an image of the scan was previously released into the public domain does not mean the original scan can be disclosed under the provisions of the Freedom of Information Act (FOIA) 2000. Your request is therefore exempt information under Section 40(2)(Personal Information) of the FOIA. This is an 'absolute' exemption where a public authority (the "Trust") has no obligation to consider the public interest on whether to disclose the information requested.

**Please note:** A request for personal information relating to a third party individual falls within the provisions of the Data Protection Act (DPA) 2018. An individual requesting their own personal data would be required to submit a Subject Access Request (SAR) to the Trust's Health Records team for processing in accordance with the first data protection principles of the DPA; or where a patient is deceased would be made via an Access to Health Records (AHR) request to someone with a claim arising from the individual's death. These requests would be handled by the Trust's Health Records team in the first instance.

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, 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

The information provided is Trust copyright. You may re-use this Great Ormond Street Hospital for Children NHS Foundation Trust copyright information in accordance with the Open Government Licence:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>

(Please note that re-use of personal data is not allowed under this license.)

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](mailto: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