

Date: **15/04/2020**

Dear Sir

**Your Requests for Information
FOIRQ5630, FOIRQ5631 and FOIRQ5780**

Thank you for your requests for information received and recorded under the above FOI reference numbers. As you are aware these request have been refined by yourself and we set out below the terms against which have conducted our review. Thank you for your patience whilst we have completed our review which was delayed due to the Covid-19 pandemic.

This response relates to your three of your outstanding requests which are set out below followed by the Trust's response to each.

Request 1 - FOIRQ5630

Please release all emails and letters relating to the RCPCH's draft report of its "Follow-up Review" into the Gastroenterology Service and the final published version sent or received (including in cc) by the medical director or co medical director between 1st May 2017 and 1st Jan 2018.

Request 2 - FOIRQ5631

Please release all emails and letters relating to the ITV Exposure documentary: "Great Ormond Street: The Child First and Always?" sent or received (including in cc) by the medical director or co medical director between 1st May 2017 and 1st Jan 2019."

You amended this request on 12 May to exclude correspondence between the Trust and Amazing Productions.

Request 3 – FOIR5780

Please supply all correspondence/documentation, whether internal or between GOSH and the RCPCH or other external body, relating to the RCPCH's recommendation that a "swift but thorough review is undertaken of the diagnosis and management of 40 of the children currently being treated for eosinophilic colitis to determine whether the overall best interests of the child are being met. Specifically I'm interested in information that pertains to how/why the figure of 40 was arrived at and deemed appropriate.

Our Response

The Trust can confirm that it holds information which you have sought and please find enclosed the information held by the Trust which falls within the scope of your requests. Given that all three of your requests relate to linked issues, it has not been possible to provide you with a bundle for each request. We have therefore provided you with one bundle which includes all information relating to all three requests.

In relation to Request FOIR5780, please find attached as a separate document, the Terms of Reference for the Case Review which identifies the criteria for selecting patients.

Exemptions Applied

Some of the information you have requested is exempt from disclosure under the provisions of the Freedom of Information Act 2000 ("FOIA") and accordingly has been withheld or redacted from the documentation provided. We set out below the exemptions relied upon and the reasons why, and please treat this letter as a formal refusal notice under FOIA. We can also confirm that we have removed duplicate correspondence and documents where possible.

Section 40

The majority of the information redacted from the documentation has been removed on the basis that it represents the personal data of identifiable individuals and is therefore exempt by virtue of Section 40(2)FOIA. Section 40 provides that information is exempt from disclosure where it is the personal data of a third party and to release it would contravene the data protection principles set out in Article 5 of the General Data Protection Regulation ("GDPR"). The Trust has balanced its obligations under the FOIA and the GDPR in relation to the disclosure of the information and has provided you with personal data of individuals where it was deemed legitimate or we had consent to disclose it to you.

The Trust has disclosed the data of a number of senior members of staff to you on the basis that they hold a senior position and accordingly it is appropriate to disclose their data to you. The personal data of other Trust staff or those at other organisations has been redacted on the basis that they are more junior members of staff and therefore they would have a reasonable expectation that emails sent or received would not be disclosed in identifiable format unless necessary. We have removed personal data where to disclose it could be harmful or have an adverse effect on individuals. We can also confirm that any names and personal data of patients, or the relatives of patients has also been removed on the basis that this information is confidential and there would be no legitimate reason to disclose.

Section 42

Certain information has also been redacted where it is subject to Legal Professional Privilege in accordance with Section 42 FOIA. The Trust took legal advice from both external lawyers and its in house legal department and some of the correspondence falls within the scope of your request. Section 42 provides that information is exempt from disclosure where it is covered by legal privilege and certain information has therefore been withheld on this basis as it constitutes legal advice.

Section 42 is subject to a public interest test and the Trust has considered whether the public interest favours maintaining the exemption or disclosure in this case. The Trust considers that it must be free to take advice and speak freely and frankly with legal advisers, both internal and external, in relation to legal issues. The concept of Legal Professional Privilege is well established to provide a protected space and to ensure fairness. The Trust accepts that the issues upon which advice were taken were in the public interest and related to the concerns regarding one of the Trust's services. The Trust also accepts that the advice was taken over two years ago.

The Trust considers however that the public interest however still favours the maintenance of the exemption. The ICO guidance acknowledges that there is a strong element of public interest inbuilt into the concept or privilege itself and that there must be a strong countervailing consideration. The Trust does not consider there is a strong argument to override privilege in this case.

Clarification

Whilst undertaking our review, it was noted that on Page 115 of the attached bundle there is a transcription error as this was a dictated email. The author of the email has identified that the word "disguised" in the final line should read "revised".

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.

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Freedom of Information team

Great Ormond Street Hospital for Children NHS Foundation Trust

Email: foiteam@gosh.nhs.uk

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