

Reference Number: FOI202324/117
From: Private Individual
Date: 08 June 2023
Subject: Number of patients who were detained under the Mental Health Act in a hospital in the Trust

Q1 Between 1 January 2018 and 31 December 2022, how many people were detained under the Mental Health Act? Alongside the total, please provide a breakdown by calendar year.

A1 2018: Zero

2019: Zero

2020: Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.

2021: Zero

2022: Zero

Q2 How many people detained under the Mental Health Act between 1 January 2018 and 31 December 2022 were asylum seekers? Alongside the total, please provide a breakdown by calendar year.

A2 Zero for all years

Q3 Between 1 January 2022 and 31 May 2023, how many people were detained under the Mental Health Act? Alongside the total, please provide a breakdown by month.

A3 Zero

Q4 How many people detained under the Mental Health Act between January 2022 to May 2023 were asylum seekers? Alongside the total, please provide a breakdown by month.

A4 Zero

The Trust is unable to respond to all or specific elements of your request where the response would indicate five or less individuals. The Trust is withholding this information under Section 40 (Personal Information) of the Freedom of Information Act (FOIA) 2000 to reduce the risk of any individuals being identified. The Trust is of the view that disclosure of such information would significantly increase the risk of individuals being identified and as such would constitute a breach of their personal data.

The Trust has applied exemption Section 40(2) of the FOIA and is therefore withholding the information as disclosure which may identify an individual would breach their rights under the Data Protection Act 2018. The grounds for application of this exemption include:

- Any data relating to patients or staff is third party data, furthermore health data is classified as sensitive personal data within the Data Protection Act 2018. As such, Section 40 (2) of the FOIA applies along with the Trusts 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 Data Protection Act 2018 and specifically the First Data Protection Principle to ensure personal data regarding staff and patients is processed fairly and lawfully. Disclosure of such data which may identify an individual, either through the data alone or other data in conjunction with that data which may identify an individual would therefore breach this principle.
- The Data Protection Act 2018 defines sensitive personal data to include data relating to the “physical or mental health or condition” of a person. Any such information about specific individuals falls within this category and disclosure of such data including statistical data, with any potential likelihood of identification would breach the Data Protection Act 2018.