

Reference Number: FOI/2019/266
From: Private Individual
Date: 02 July 2019
Subject: Instant messaging

- Q1 Are medical staff permitted to use third-party instant messaging/communication applications (e.g. WhatsApp, Skype, SMS, Facebook messenger etc.) to exchange or communicate patient data?
- Q2 Do medical staff use any of the following communication apps to share patient data with their colleagues
- WhatsApp
 - SMS
 - Skype
 - Skype for Business
 - StarLeaf
 - Instagram
 - Facebook Messenger
 - LinkedIn Messenger
 - Google Hangouts
 - Slack
 - Other
 - Not sure
- Q3 If no, what other systems do medical staff use to communicate and share patient data with their colleagues?
- Q4 Does your trust have any processes in place to stop medical staff accessing patient data (for example, which they have exchanged with other medical staff from their personal device) when they have left the NHS trust and moved on to new job?
- A1-4 The Freedom of Information Act 2000 (FOIA) provides a right of access any recorded information held by a public authority and to be valid under Section 8 a request must:
- be in writing;
 - include the requester's name and an address for correspondence
 - describe the information being requested

Guidance issued by the Information Commissioner's Office states that a questionnaire/survey will qualify as an FOIA request provided that the requester has supplied their real name and an address, and at least one of the questions provides a valid description of the information being requested. However, authorities will need to treat each individual question on its merits which means adopting the following approach:

- Respond to any questions that provide a valid description of the information.
- For questions that are unclear, ask the requester for further clarification under Section 1(3).

The above are general questions rather than requests for information held by the Trust however we can advise that the use and disclosure of patient data is covered by Trust policies including Information Governance and Information Security specific policies.

Additional information has been exempted under Section 21 of the Freedom of Information Act 2000 - 'Information reasonably accessible to the applicant by other means'.

Information regarding third-party instant messaging/communication applications is available on our website, it can be found in our 2019 Disclosure Log, please see FOI Request Ref: 231:

<http://www.lhch.nhs.uk/about-lhch/information-governance/freedom-of-information/disclosure-logs/>

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