

Reference Number: FOI202425/516
From: Other
Date: 17 February 2025
Subject: patients who have died due to problems in care

As of 2017, data detailing the number of patients who have died due to problems in care is required to be published by NHS trusts in England. This is set out in this press release: <https://www.gov.uk/government/news/nhs-becomes-first-healthcare-system-in-the-world-to-publish-numbers-of-avoidable-deaths> and in this reporting guidance: <https://www.england.nhs.uk/patient-safety/patient-safety-insight/learning-from-deaths-in-the-nhs/>.

- Q1 Under the Freedom of Information Act please could you provide the total number of deaths considered to have been due to problems in care in Liverpool Heart and Chest Hospital NHS Foundation Trust for the periods:
- 1st April 2019 to 31st March 2020
 - 1st April 2020 to 31st March 2021
 - 1st April 2021 to 31st March 2022
 - 1st April 2022 to 31st March 2023
 - 1st April 2023 to 31st March 2024

To clarify, this is not a request asking for the total number of deaths but is specifically concerning those which are deemed to be due to problems in care.

- A1
- 8 deaths
 - 9 deaths
 - 10 deaths
 - 7 deaths
 - Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.

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.