



**The Clatterbridge  
Cancer Centre**  
NHS Foundation Trust

Clatterbridge Road  
Bebington  
Wirral  
CH63 4JY

Tel: 0151 556 5000  
Web: [www.clatterbridgecc.nhs.uk](http://www.clatterbridgecc.nhs.uk)

Date: 15 February 2021

**Re: Freedom of Information Request**  
**Ref: 18-2021**

Thank you for your email dated the 18<sup>th</sup> January, requesting information in relation to Datix DPIA.

The information that you require is as follows:

**Could I have a copy of your Datix DPIA please?**

**Available upon request**

**Please note that the following exemptions have been applied throughout the document. Where exemptions have been applied, these have been clearly marked:**

**Section 40: Personal Information**

**In accordance with the Data Protection Act 2018 our Trust is unable to release some of the information requested. We can only provide the names of the more senior staff in public facing roles. For all other roles within our Trust, staff names are exempt under Section 40: Personal Information of the Freedom of Information Act 2000 as to release the employees' names into the public domain is in breach of the Data Protection Act 2018 and in breach of one or more the Data Protection Principles.**

**Section 31(1a): The prevention or detection of crime of the Freedom of Information Act 2000**

**We have carefully considered your request and although we hold the information within the Data Protection Impact Assessment we have concluded that we will not be able to provide you with this information and we will rely on the exemption under Section 31(1a) - The prevention or detection of crime of the Freedom of Information Act 2000 ("the Act").**

**Section 31(1a) the Act provides that information is exempt from disclosure if the information would or would be likely to prejudice law enforcement**

and the prevention or detection of crime by making the Trust vulnerable to criminal activity through cyber security attacks.

The Trust, as a public body is mindful that in order to engage this exemption, we must demonstrate that disclosure of the information would, or would be likely to, prejudice the prevention of crime.

The term “would ...prejudice” has been defined as it is more likely than not to occur whereas “would likely....prejudice” is a lower threshold. The Trust has applied the prejudice test under Section 31, and we are content that the requirements of the test have been met.

Having reached the conclusion that the prejudice test has been met, we have also considered whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

### Public Interest Test

#### Factors favouring disclosure

- The Trust recognises that providing the information would promote openness and transparency with regards to the Trust’s IT security

#### Factors in favour of non-disclosure

- Increased risk of Cyber-attacks, which may amount to criminal offences under the Computer Misuse Act 1990 or the Data Protection Act 2018. Cyber-attacks are rated as a Tier 1 threat by the UK Government. Cyber-attacks could result in:
  - Breaches in Trust security and is therefore a reasonable threat to the confidential patient/staff/public data held on our systems
  - Temporary or long term lack of availability of IT systems
  - Corruption/loss of patient data which would prevent or interrupt provision of patient care
- Disclosure of the information would assist a hacker in gaining valuable information as to the nature of the Trust’s systems, defences and possible vulnerabilities

Having carefully considered the public interest test we have concluded that there is a strong public interest in protecting the confidentiality of patient/staff/public data and of ensuring that healthcare services can be provided to the public without increasing the possibility of attack by hackers or malware, or of putting personal or other information held on these systems at risk of corruption or subject to illegal access.

**Taking the above into consideration, having applied the necessary, relevant tests and taking all the current circumstances into consideration we are content that the requirements of all necessary and relevant tests have been met and the application of the exemption under Section 31(1a) is appropriate on this occasion.**

Should you require any further information please do not hesitate to contact me on the email address provided below.

Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for this to be investigated internally.

If you are dissatisfied with the information you have received, you have the right to ask for an internal review.

Both processes will be handled in accordance with our Trust's Freedom of Information Policy and the Freedom of Information Act 2000.

Internal investigation and internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Freedom of Information Review, The Clatterbridge Cancer Centre NHS Foundation Trust, Clatterbridge Road, Bebington, Wirral, CH63 4JY

If you are not satisfied with the outcome of the internal investigation/review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.