

22 August 2017



### **Request under the Freedom of Information Act 2000 (“FOI Act”)**

We refer to your email of 26 July 2017, in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority (TDA) are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, ‘NHS Improvement’ means Monitor and the TDA.

### **Your request**

You made the following request:

*I require the Names, Job titles, Email addresses and Telephone numbers of:*

- *The person who leads and is responsible for IT & Information Security.*
- *The Person who is responsible for the compliance of GDPR (General Data Protection Regulation).*

*Can you also please confirm the number of contractors in said areas.*

### **Decision**

NHS Improvement holds the information you have requested.

NHS Improvement has decided to withhold some of the information you have requested, on the basis of the applicability of the exemption set out in section 40 of the FOI Act, as explained below.

### **Response to request**

The individual who leads and is responsible for IT and information security within NHSI is Peter Sinden, Chief Technology Officer. His details are: [peter.sinden@nhs.net](mailto:peter.sinden@nhs.net) and 0203 747 0711.

The individual responsible for NHSI's compliance with the GDPR is Kirsty Benn-Harris, Head of Information Governance. Ms Benn-Harris has only consented to disclosure of her name and job title. The remainder of your request is withheld under section 40 of the FOI Act, on the grounds that it is personal data and that the first condition of section 40(3)(a)(i) is satisfied, namely that any disclosure of Ms Benn-Harris's email address and/or phone number could amount to a breach of the first data protection principle (personal data should be processed fairly and lawfully). This is because Ms Benn-Harris has a reasonable expectation that her contact details would not be disclosed. Disclosing this information without consent would amount to unfair processing, and therefore a breach of the first data protection principle. This is an absolute exemption, and consideration of the public interest in disclosure is not required.

At the time of writing, there are eight contractors within the IT department of NHSI, and none in Ms Benn-Harris's team.

### **Review rights**

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request (details are below). If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A more senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to [nhsi.foi@nhs.net](mailto:nhsi.foi@nhs.net).

### **Publication**

Please note that this letter and the Appendix will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Iain Naylor'. The signature is stylized with a large 'I' and 'N'.

**Iain Naylor**

Employment Lawyer | Employee Relations Manager

**NHS Improvement**

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