

Ref. No: 122080621
From: Public
Date: 08/06/21
Subject: Sexual assault related incidents

REQUEST

I am writing to you under the Freedom of Information Act 2000 to request the following information for the financial year 2016/17 to 2020/21

- Total reports of sexual assault related incidents perpetrated by NHS staff (including agency staff) where the victim was a patient aged 60 or over.
- The role of the suspect / perpetrator linked to the above incidents
- The gender of suspects / perpetrators linked to the above incidents
- The gender of victims linked to the above incidents
- Whether the report led to a crime being reported to police
- The outcome of crime reports (ie NFA, charge, conviction)
- Any NHS misconduct process outcomes linked to the above incidents / crimes.

RESPONSE

We are unable to provide precise figures when those figures refer to individuals in volumes of 5 or less due to the risk that individuals will be re-identified, as we are required to protect their identity under the General Data Protection Regulations & Data Protection Act 2018. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed “lawfully, fairly and in a transparent manner”. It is the lawful aspect of this principle which, in our view, would be breached by disclosure. In such circumstances section 40 confers an absolute exemption on disclosure.