

**Information Governance**

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**Website:** <https://www.elft.nhs.uk>

10 January 2023

**Our reference: FOI DA4498**

I am responding to your request for information received 13 December 2022. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,



Keshia Harvey  
Information Governance Manager

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113  
Web: [www.ico.org.uk](http://www.ico.org.uk)

**Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention**



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'what matters' to everyone, achieve a better quality  
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**Chief Executive:** Paul Calaminus  
**Chair:** Eileen Taylor

**Request:** This is a request for information under the Freedom of Information Act 2000, relating to the use of non-disclosure agreements. I define non-disclosure agreements as a contract through which the parties agree not to disclose information covered by the agreement. Please note, there are four parts to my request.

**Question 1:** Between financial years 2017/18 and 2021/2022 has the Trust issued a non-disclosure agreement to resolve a sexual harassment case?

**Answer:** No non-disclosure agreements were made between financial years 2017/18 and 2021/2022 to resolve a sexual harassment case.

**Question 2:** If so, how many non-disclosure agreements were used between financial years 2017/18 and 2021/2022 by the Trust to resolve sexual harassment cases?

**Answer:** Not applicable.

**Question 3:** If possible, please state how many of these non-disclosure agreements were agreed where a patient was one of the parties.

**Answer:** Not applicable.

**Question 4:** If possible, please state how many of these non-disclosure agreements were agreed where a member of staff (both former or current) was one of the parties.

**Answer:** Not applicable.

### **Section 1 – not held**

**Answer:** The Trust has reviewed questions X-X of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

Any person making a request for information to a public authority is entitled—  
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and  
(b) if that is the case, to have that information communicated to them.



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XX Insert reason for section 1 – see examples below highlighted in green XX  
East London NHS Foundation Trust is primarily a Mental Health and  
Community Health Trust and as such do not provide the services described in  
this request. We are therefore unable to provide a response.

East London NHS Foundation Trust does not record the information  
requested and is therefore unable to provide a response.

In order for the Trust to provide this information it would have to access  
patient records. We do not have a legal basis to access patient records in  
order to respond to a Freedom of Information Request. Therefore we are  
unable to provide a response.

## Section 12 – cost

Answer: Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for  
information if the authority estimates that the cost of complying with the request would  
exceed the appropriate limit

When the Trust identifies that the request is likely to take over 18 hours, we are not  
obliged to provide information for any part of the request. We are required to provide  
advice on how you may refine your request to information that can be collated within  
the 18 hour timeframe. You may then choose what information you would like to  
receive and confirm the same to us, upon which we will process your request.

If any information being requested is already easily accessible via our website we will  
advise and direct you with a web link.

The Trust has reviewed your request for information and in order to collate this  
information, staff would have to XX Insert the process that would have to be done to  
collate the information XX

Therefore, the Trust is unable to comply with this particular part of your request as the  
cost of compliance and extracting your exact requirements would exceed the  
appropriate cost limit of £450 which is specified in Section 12 of the Freedom of  
Information Act 2000. This is based on a rate of £25 per hour, regardless of the rate of  
pay of any individual involved in the retrieval of requested information, and equates to  
18 hours work.

## Section 21 – already available

Answer: The Trust has reviewed questions X-X of your request for information under the  
Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:  
(1) Information which is reasonably accessible to the applicant otherwise than under  
section 1 is exempt information.

The information requested is accessible here:

[Insert link](#)

## Section 31 – prevention of a crime

Answer: The Trust has reviewed questions X-X of your request for information under the  
Freedom of Information Act (FOI) 2000.

The Trust has reviewed your request for information under the Freedom of Information  
Act (FOI) 2000.

Section 31(1)(a) of the FOI Act states:



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31(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice (a) the prevention or detection of crime,

The information requested, if released into the public domain, could [insert reason, i.e. have the potential to identify weaknesses within the Trusts digital infrastructure, leaving it open to cyber threat.] For this reason an exemption has been applied.

#### **Section 40 – personal information**

Answer: The Trust has reviewed questions X-X of your request for information under the Freedom of Information Act (FOI) 2000.

The Trust has reviewed your request for information under the Freedom of Information Act (FOI) 2000.

Section 40 for the FOI Act states:

(2) This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the UK GDPR.

The information you have requested relates to less than five individuals and therefore has the potential for those individuals to be identified. We can therefore not provide this information which could contravene The Data Protection Act 2018 / UK GDPR.



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