

## Freedom of Information request 601-23

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### Request

Please supply the following under the Freedom of Information (Scotland) Act of 2002:

A statistical count and full disclosure of all records or complaints alleging adverse incidents or other occurrences within Borders General Hospital on the 24th of September 2022 in which actually had or was suspected of having an adverse effect on the health or life of patients on that day.

### Clarification

- Are you asking about complaints logged on any date that linked to adverse events or other occurrences that occurred on 24 September 2022?  
or
- Are you asking about complaints logged on 24 September 2022?
- Also, can you provide a clear definition of "other occurrences"?

I am asking for complaints and adverse events logged on 24/9/2022 and any date linked to 24/9/2022 as for other occurrences, I mean any incident of any nature that is recorded on or pertaining to the 24<sup>th</sup> of September 2022 that would describe injury to any patient.

### Response

There were no complaints alleging adverse events or other occurrences within Borders General Hospital (BGH) logged as being received on 24 September 2022. Please note, 24 September 2022 was a Saturday and complaints are only logged as being received Monday to Friday. In order to obtain whether a complaint includes reference to a specific incident date, would mean a manual trawl of individual complaint files and the cost of carrying out this work would exceed the limit set in the Fees Regulations of the Freedom of Information (Scotland) Act 2002 and under Section 12 we are not required to provide.

There were <5 adverse events reported in the BGH on 24 September 2022.

Please note that as NHS Borders is such a small Board the number of adverse incidents is small, and to provide further details of these could allow individuals to be identified and we would be in breach of the Data Protection Act 2018. We are therefore withholding all other data under Section 38(1)(b) of FOISA, as read with Section 38(2)(a)(i) or (b), information is exempt from disclosure if it is personal data, and its disclosure would breach one or more of the data protection principles contained in the DPA. This is an absolute exemption in that it is not subject to the public interest test contained in Section 2(1)(b) of FOISA. This is also in accordance with the Code of Practice for Official Statistics any number that is less than five, actual numbers and potentially identifiable information is withheld to help maintain patient confidentiality due to potential risk of disclosure. Further information is available in the [ISD Statistical Disclosure Control Protocol](#).

Further to the above exemptions, in line with Section 36(2) of the Freedom of Information (Scotland) Act 2002, to disclose further information relating to the incidents in the table above would constitute an "Actionable Breach of Confidentiality" as an individual's medical history is confidential.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or [foi.enquiries@borders.scot.nhs.uk](mailto:foi.enquiries@borders.scot.nhs.uk).

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **601-23** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.