

Human Tissue Authority
151 Buckingham Palace Road
London
SW1W 9SZ

By email to [REDACTED]

Tel 020 7269 1900
Web www.hta.gov.uk
Email enquiries@hta.gov.uk
Date 13 July 2020

Dear [REDACTED]

Freedom of Information request

Thank you for your request for information under the Freedom of Information Act (FOIA), which was received by the Human Tissue Authority (HTA) on 13 June 2020.

Your email outlined the following request:

Under the Freedom of Information Act can you provide me with the following information:

- 1) The number of HTA Reportable Incidents (HTARIs) that took place during 2019 and 2020 (so far), where they took place and when?
- 2) Please also provide a description of each incident and the classification given to each incident.
- 3) If you can, please can also provide the ultimate the resolution of the incident?

Response

The HTA holds information about incidents and incident resolution for HTA Reportable Incidents (HTARIs) reported to the HTA to have occurred in 2019 and 2020.

In considering your request for this information, we have concluded that some of the information we hold is exempt from disclosure by virtue of the exemptions at sections 31 and 21 of the FOIA, for the reasons set out below.

Section 31

We have considered your request for information of the resolution of incidents. Section 31(1)(g) provides a qualified exemption for information, the disclosure of which would, or would be likely to prejudice “the exercise by any public authority of its functions for any of certain specified purposes”. Those specified purposes include the purpose of “ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise”.

The HTA has statutory functions under the Human Tissue Act 2004 (the HT Act) in respect of various regulated activities. The HTA’s functions, which are set out in general terms at section 15 of the HT Act, include superintending compliance with requirements under Part 1 of the Act and with Codes of Practice made under the Act.

It is very important that establishments have confidence to provide information to the HTA and discuss sensitive matters with us without fear of disclosure. We consider it likely that establishments would be less likely to provide full and frank information to the HTA if they thought this information may be disclosed into the public domain. This, in turn, would prejudice the HTA’s ability to superintend compliance with requirements under the HT Act and with the HTA Codes of Practice, undertake investigations appropriately in the future, and to take such regulatory action as may be required in accordance with our regulatory functions. Disclosing information about resolution of these incidents would prejudice the exercise by the HTA of our functions for certain specified purposes. Those specified purposes include the purpose of “ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise”.

The section 31(1)(g) exemption is subject to the public interest test. We have considered the public interest in disclosure of information about the resolution of these incidents against the public interest in avoiding the prejudicial effects set out above. We recognise that there is a public interest in transparency about the resolution of these incidents. We also recognise that there is a public interest in transparency about our work and that our investigations into incidents and actions taken by establishments in response to incidents are carried out appropriately. We consider that there is a strong countervailing public interest in ensuring that we can continue to carry out our regulatory activities and to receive full and frank information from establishments without them fearing disclosure of the information into the public domain.

Section 21

Information of HTARIs published by the HTA in response to previous FOIA requests is exempt from disclosure by virtue of the absolute exemption under 21 of the FOIA. This is because this information is easily accessible by other means.

We publish responses to FOIA requests on our website at:

<https://www.hta.gov.uk/about-us/freedom-information-and-data-protection/freedom-information-responses>

Please note that we published information about HTARIs in 2019, in responses previous FOIA requests. This information is published on our website:

- www.hta.gov.uk/sites/default/files/2019%20HTARI%20reports%20FOI%20response.pdf
- www.hta.gov.uk/sites/default/files/Freedom%20of%20Information%20Request%20on%20HTA%20Reportable%20Incidents%202019%20by%20Month%20and%20Establishment.pdf
- <https://www.hta.gov.uk/sites/default/files/Freedom%20of%20Information%20Request%20on%20HTA%20Reportable%20Incidents%20%28HTARIs%29%202019.pdf>

Information is provided in the table below for incidents reported to have occurred in 2019 and 2020. This is for incidents determined to be HTARIs and which have been closed on our systems.

Date incident occurred	Establishment (hub site)	Licence number	Incident classification	Summary of incident
Jun-19	Wycombe Hospital	12245	Disposal or retention of an organ or tissue against the express wishes of the family	Communication errors contributed to inadvertent retention of organ against the wishes of the family.
Jul-19	Wythenshawe Hospital	12203	Loss of an organ or tissue	Human error led to loss of tissue.
Nov-19	Countess of Chester Hospital	12049	Loss, disposal or retention of a whole fetus or fetal tissue (gestational age less than 24 weeks) against the express wishes of the family	Human error led to inadvertent retention of a fetus.

Nov-19	Manchester University NHS Foundation Trust Central Hospitals	12554	Accidental damage to a body	Human error led to accidental damage to a body.
Dec-19	Taunton and Somerset NHS Trust	12083	Any incident not listed here that could result in adverse publicity that may lead to damage in public confidence	Human error led to a complaint from a family.
Dec-19	Manchester University NHS Foundation Trust Central Hospitals	12554	Accidental damage to a body	Human error led to minor damage to a body.
Jan-20	Ipswich Hospital	30017	Viewing of the wrong body	Human error led to viewing of the wrong body.
Jan-20	West Suffolk Hospital	12242	Accidental damage to a body	Human error led to accidental damage to a body.
Jan-20	Wexham Park Hospital	12323	Incident leading to the temporary unplanned closure of a mortuary resulting in an inability to deliver services	Storage capacity issues led to temporary closure of the mortuary to receiving cases from the community.
Jan-20	Morrison Hospital	30015	Release of the wrong body	Human error led to short-term release of the wrong body.
Jan-20	Manchester University NHS Foundation Trust Central Hospitals	12554	Accidental damage to a body	Human error led to minor damage to a body during post mortem examination.
Jan-20	Manchester University NHS Foundation Trust Central Hospitals	12554	Accidental damage to a body	Human error led to accidental damage to a body.
Jan-20	Bradford Public Mortuary and Forensic Science Centre	12046	Release of the wrong body	Human error led to the release of the wrong body.
Feb-20	St Marys Hospital	12553	Accidental damage to a body	Human error led to minor damage to a body during post-mortem examination.

Feb-20	Manchester University NHS Foundation Trust Central Hospitals	12554	Accidental damage to a body	Human error led to minor damage to a body during post-mortem examination.
Mar-20	Pinderfields Hospital	12086	Accidental damage to a body	Accidental damage to a body during a post-mortem examination.
Mar-20	Whiston Hospital	12043	Accidental damage to a body	Human error led to accidental damage to a body.
Mar-20	George Eliot Hospital	12171	Accidental damage to a body	Human error led to damage to a body whilst being placed into refrigerated storage.
Mar-20	Manchester University NHS Foundation Trust Central Hospitals	12554	Accidental damage to a body	Human error led to minor damage to a body during post-mortem examination.
Mar-20	Leicester Royal Infirmary	12337	Accidental damage to a body	Human error led to minor accidental damage to a body.

Further information

If you are unhappy with the way the HTA has handled your request for information in this case, you may in the first instance ask us for an internal review by writing to us at the above postal or email address.

If you remain dissatisfied with the handling of your request or complaint, you have the right to appeal directly to the Information Commissioner for a decision, at the address below. There is no charge for making an appeal.

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

Telephone: 08456 30 60 60 or 01625 54 57 45

Website: www.ico.gov.uk

Yours sincerely

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