

Human Tissue Authority  
151 Buckingham Palace Road  
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London  
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“**[redacted]**”

*By Hand*

**Tel** 020 7269 1900  
**Email** “**[redacted]**”  
**Web** [www.hta.gov.uk](http://www.hta.gov.uk)  
**Date** 7 February 2014

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 January 2014. Your email outlined the following request:

“I write to request the following documents under the Freedom of Information Act 2000:

1. All inspection reports relating to the Hull City Mortuary and Hull Royal Infirmary Mortuary; and
2. All documents, correspondence, notes (handwritten and otherwise) relating to your inspections of the Hull City Mortuary and Hull Royal Infirmary Mortuary.”

### **Response**

Hull Royal Infirmary has been licensed since 30 May 2007 under licensing number is 12170. Hull City Mortuary was initially licensed as a satellite site of Hull Royal Infirmary on 30 May 2007. The satellite licence was later revoked following a request from Hull Royal Infirmary on 1 October 2007, as it was no longer carrying out activities licensable by the HTA.

Hull City Mortuary was not subject to a site visit inspection by the HTA during the four months it was licensed. Hull Royal Infirmary was inspected on 24 September 2009 and again on 6 December 2011.

I have enclosed a folder of information in response to your request. The folder includes all inspection reports, documents, handwritten notes and emails the Human Tissue Authority holds in relation to our two inspections of Hull Royal Infirmary.

## **Section 40 and section 41 Freedom of Information Act (FOIA)**

In reviewing the information you have requested, we have noted some of the documents contain information which is exempt by virtue of the fact that it is personal data, disclosure of which would be unfair to the individuals concerned, or which is confidential information relating to deceased individuals, disclosure of which would result in an actionable breach of confidence.

Section 40(3)(a)(i) FOIA provides that information is absolutely exempt if its disclosure would breach any of the Data Protection Act's data protection principles. Insofar as the documents contain information relating to identifiable staff members and others, we have concluded that disclosure under FOIA would breach the first data protection principle. This is because disclosure of this personal data is not necessary in the public interest and, further, it would be unfair to the individuals concerned, who could have no expectation that relevant information relating to them would be made public.

Section 41 FOIA is also an absolute exemption. It applies to information supplied to us, disclosure of which would amount to a breach of confidence actionable by any person. It has been established in a series of decided cases that confidential information relating to deceased identifiable hospital patients is exempt from disclosure under section 41, given that the disclosure of such information to the public at large would give rise to an actionable breach of confidence.

In accordance with section 40 and section 41 of the FOIA, the documents enclosed in this response have been redacted so they do not include personal information, such as names of staff (other than those in senior positions), patients, dates of birth and death and causes of death.

## **Section 42 Freedom of Information Act (FOIA)**

The information held by the HTA in relation to its inspections of Hull Royal Infirmary Mortuary includes certain information that is legally privileged in that it constitutes legal advice provided to the HTA by its in house legal adviser. By virtue of s42 FOIA the HTA is not obliged to disclose information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Section 42 can be relied on only where the public interest in applying the exemption outweighs the public interest in disclosure. The very considerable public interest in protecting the principle of legal privilege is, however, well established. While we recognise that there is, of course, a public interest in transparency generally, in this case the HTA has formed the view that there is insufficient public interest in the information concerned to outweigh the public interest in maintaining legal privilege.

## **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](http://www.ico.gov.uk)

Yours sincerely,

**"[redacted]"**