

Human Tissue Authority
151 Buckingham Palace Road
London
SW1W 9SZ

[REDACTED]
By email to [REDACTED]

Tel 020 7269 1900
Web www.hta.gov.uk
Email enquiries@hta.gov.uk
Date 19 December 2017

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 27 November 2017. Your email outlined the following request:

Dear FOI Officer,

I am sending this request under the Freedom of Information Act.

- 1) Please state the number of human tissue samples reported to the HTA as being:
 - a) Lost
 - b) Missing
 - c) Stolen

Please provide a copy of the incident report for each case.

Please provide information for each of the last five financial years, and the current financial years to date.

Please send me this information by e-mail to [REDACTED]

If you have any queries about this request please contact me on [REDACTED]
[REDACTED]

If you are encountering practical difficulties complying with this request, please contact me so that we can discuss the matter and if necessary I can modify the request.

Please acknowledge receipt of this request.

Many thanks for your assistance.

Response

Dear [REDACTED]

Following a discussion to clarify some of the specifications of your request over the telephone on Wednesday 13 December with our Head of Communications Matthew Silk, I now understand that you would be satisfied with the information collected via our formal incident reporting arrangements with establishments.

The Human Tissue Authority (HTA) requires establishments in the Post Mortem sector to report incidents and near misses; these are called HTA Reportable Incidents (HTARIs).

Establishments in the Human Application, and Organ Donation and Transplantation, sectors are also required to formally report any incidents that occur - these are called Serious Adverse Events and Adverse Reactions (SAEARs).

You can find more information on this reporting and the classification of what constitutes a reportable incident on our website here - <https://www.hta.gov.uk/reporting-incident-or-concern>

As discussed over the telephone, outside of the reporting mentioned above, we don't formally collate or report on information more generally about lost, missing, or stolen tissue.

Data on HTARIs and SAEARs is already publically available on our website, and I have listed individual links to locations for previous years of both the HTARI and SAEARs reports that are either in our quarterly reports, or have already been shared via FOI requests.

HTARI and SAEARS Information

Both HTARIs and SAEARs statistics and summary information can be found in the quarterly reporting to the Authority (the HTA's Board) on our website here - <https://www.hta.gov.uk/about-us/how-we-do-it/authority-meetings-topic-listings>

This reporting dates back to July 2015. Previous to this, you can find the same summary details via previous FOI requests that are published on our website here - <https://www.hta.gov.uk/about-us/freedom-information-and-data-protection/freedom-information-responses>.

I have highlighted and linked to the publications that fit within your request's timescale below:

- [HTARIs during 2013](#)
- [SAEARs during 2013 and 2014](#)
- [HTARIs between January 2014 and December 2015](#)
- [SAEARs during 2015](#)
- [SAEARs and HTARIS in 2016](#)
- [HTARIs in 2016 \(1\)](#)
- [HTARIs in 2016 \(2\)](#)

As you will see above, there are three separate FOI responses for 2016 – this was because we had three separate individual requests for this information.

HTARIs and SAEARs for entire current year are not yet available. However, statistics and summaries for quarter three (2017/18) will publish in the Authority meeting papers in February 2018, and continue quarterly thereafter.

This data, therefore, is not included in this FOI response as it falls under the exemption in section 22, which states:

the public authority must, at the time of the request, hold the information and intend that it or 'any other person' will publish it in future. This means that it must have a settled expectation that the information will be published at some future date.

I would also bring to your attention our latest publication on HTARI data on our website - [Regulation of the Post Mortem Sector 2014 - 16: What we have learned](#). This report explains our role in the system, and how we seek to share learning to mitigate the risks associated with mortuary practice.

In regard to your request for incident reports for each case, the HTA does not publish or share this information externally.

When asked for specific incident reports the HTA reviews each case to determine the balance of public interest for the use of a Section 31(1) (g) exemption.

This qualified exemption allows public authorities, such as the HTA, to not disclose information, if the release of that information “would, or would be likely to, prejudice the exercise by any public authority of its functions for...” 31(2) (c) “...the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance on any enactment exist or may arise.” It is under this exemption that the HTA will not release incident reports in this instance.

It is HTA policy not to disclose information submitted to us as part of investigations or any report provided at the conclusion of investigations. This is because of the

consideration that to do so would have an adverse impact on the likelihood of incidents being reported to the HTA by regulated establishments, and on the quality of any documentation that establishments report.

Furthermore, the public release of the detail in these reports could result in regulated establishments providing less detailed information when submitting their reports if they think they may be shared publically.

The HTA's view is that by deterring the submission of detailed reports it would clearly prejudice its supervisory functions, and would make it more difficult to establish when and whether formal regulatory action is required.

Additional to this, as the summary information for these reports is already in the public domain, releasing an anonymised report carries the risk that it will be possible for individual cases to be identified.

I hope that this information is useful for you. If you would find it useful to speak further to someone about the HTA and its work in this area, please contact our Head of Communications, Matthew Silk, 

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

