

## Freedom of Information Request

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**Reference Number:** EPUT.FOI.22.2472  
**Date Received:** 19.04.2022

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Information Requested:

Could you please provide the latest meeting minutes for:

Please note that the Trust considers staff names to be personal information and therefore this information has been redacted for those staff members not holding senior roles. (Exempt under Section 40 (Personal Information) of the Act).

1) Medicines Management Group

Please find enclosed the latest approved minutes for the Medicines Management Groups (March 2022).

Health, Safety and Security Committee

Please find enclosed the latest approved minutes for the Health, Safety and Security Committee (February 2022).

The Trust is unable to provide some the information you have requested. This is because some of the detail given to the Committee members is 'in confidence'. The Trust is therefore applying Section 41 (Information Provided in Confidence).

Further to this, under Section 38 (Health and Safety), the Trust believes that this information is exempt information if it is disclosure under this Act would, or would be likely to: (a) endanger the physical or mental health of any individual, or (b) Endanger the safety of any individual.

People, Equality and Culture Committee

Please find enclosed the latest approved minutes for the People, Equality and Culture Committee (April 2022)

The Trust is unable to provide some the information you have requested. This is because some of the detail given to the Committee members is 'in confidence' and due to the very low number of cases could potentially make individuals identifiable. The Trust is therefore applying Section 41 (Information Provided in Confidence).

2) Patient Experience Team

The Trust does not hold a patient experience team meeting.

3) Drugs and Therapeutics Committee

The Trust does not hold a separate Drugs and Therapeutics Committee meeting.

4) Medicines Management Team at Essex Partnership University NHS Foundation Trust?

The Trust does not hold a separate Medicines Management Team meeting.

## Applied Exemptions:

### Section 40 (Personal information):

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—
  - (a) it constitutes personal data which do not fall within subsection (1), and
  - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
  - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
    - (i) any of the data protection principles, or
    - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
  - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 2018 (which relate to manual data held by public authorities) were disregarded.
- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).
- (5) The duty to confirm or deny—
  - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
  - (b) does not arise in relation to other information if or to the extent that either—
    - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 2018 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
    - (ii) by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).
- (6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 2018 shall be disregarded.
- (7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 2018, as read subject to Part II of that Schedule and section 27(1) of that Act;
  - “data subject” has the same meaning as in section 1(1) of that Act;

- “personal data” has the same meaning as in section 1(1) of that Act.

**Section 41 (Information provided in confidence):**

- (1) Information is exempt information if—
  - (a) it was obtained by the public authority from any other person (including another public authority), and
  - (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.
- (2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.

**Section 38 (Health and Safety)**

- (1) The Trust believes that this information is exempt information if it is disclosure under this Act would, or would be likely to:
  - (a) endanger the physical or mental health of any individual, or
  - (b) endanger the safety of any individual.
- (2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).

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**Publication Scheme:**

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT’s Publication Scheme is located on its Website at the following link <https://eput.nhs.uk>