

Freedom of Information Request

Reference Number: EPUT.FOI.23.2908
Date Received: 4th April 2023

Information Requested:

Please could you provide responses to the following questions by completing the spreadsheet attached? The columns in the spreadsheet provide extra detail and clarifications.

As of the 1st April 2023, please can you provide?

1. Number of employees including part time, full time and remote employee figures (if readily available)

Full Time	Part Time	Substantive	Bank
Full Time		4265	0
Part Time		2130	2733
Total		6395	2733

2. Number of employees with security qualifications

Please note that the trust's policy is not to provide patient or staff numbers, where the response is less than or equal to five (≤ 5) as it would potentially allow identification of the individual patient/staff and would therefore be personal data.

The trust considers that release of that information would breach GDPR/DPA18 principles on the grounds that it would not be fair in all the circumstances. This information is therefore exempt under section 40 of the FOI Act 2000.

3. Money spent on security training and number of employees who underwent security training in the last 12 months

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IG – 4 courses, £8,400

Cyber – 4 courses £10,800

Total – 8 Courses, 6 staff, £19,200.

**The above does not include any staff outside of Digital Services or whereby departments have funded their own training locally. **

4. Number of data breaches reported by your trust in the years 2021, 2022 and 2023 (so far)
This information is exempt under Section 31 (1a) of the Freedom of Information Act as disclosure would, or would be likely to, prejudice the prevention or detection of crime.

Essex Partnership NHS Foundation Trust believe that releasing this information would enable cyber criminals to identify and take advantage of any weaknesses within the security of trust services. This would put patient & trust information at risk, including clinical, financial, and sensitive personal data. We therefore apply section 31(1) (a). Section 31 is a qualified exemption, so we have considered the public interest, but we believe that on this occasion the risk to data outweighs the public interest in cyber security concerns.

5. Total security budget in 2022 and 2023

£295k – Cyber Team Staff Costs only.

6. Which NHS Digital cybersecurity services are used by your trust?

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Applied Exemption:

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.
- **31 Law enforcement.**
 - (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—
 - (a) the prevention or detection of crime,
 - (b) the apprehension or prosecution of offenders,
 - (c) the administration of justice,
 - (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
 - (e) the operation of the immigration controls,
 - (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
 - (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
 - (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
 - (l) any inquiry held under the **[F1]** Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016] to the extent that the inquiry arises out of an

investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.

- (2)The purposes referred to in subsection (1)(g) to (i) are—
- (a)the purpose of ascertaining whether any person has failed to comply with the law,
- (b)the purpose of ascertaining whether any person is responsible for any conduct which is improper,
- (c)the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
- (d)the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on,
- (e)the purpose of ascertaining the cause of an accident,
- (f)the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,
- (g)the purpose of protecting the property of charities from loss or misapplication,
- (h)the purpose of recovering the property of charities,
- (i)the purpose of securing the health, safety and welfare of persons at work, and
- (j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.
- (3)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, prejudice any of the matters mentioned in subsection (1).

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>