

Date: Tuesday, 15th October 2019
Our Ref: MB/SS FOI 4062

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Re: Freedom of Information Request FOI 4062

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 04th October 2019.

Your request was as follows:

1. How many patients are seen each year at Walton following surgery with Dr Gilete in Barcelona (Hospital Teknon)?

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 (FOIA) that we do not collate information regarding surgery for external sources. Under the FOI Act, we are not required to create this information in order to answer your request. I should explain that the FOI Act is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities. The FOI Act does not require public authorities to generate information, or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

2. How many patients are seen each year at Walton following surgery with Dr Gilete in Barcelona (Hospital Teknon) that require further surgery at Walton?

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 (FOIA) that we do not collate information regarding surgery for external sources. Under the FOI Act, we are not required to create this information in order to answer your request. I should explain that the FOI Act is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities. The FOI Act does not require public authorities to generate information, or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

3. How many patients are seen each year at Walton following surgery with Dr Gilete in Barcelona (Hospital Teknon) that require treatment to correct work done by Dr Gilete?

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 (FOIA) that we do not collate information regarding surgery for external sources. Under the FOI Act, we are not required to create this information in order to answer your request. I should explain that the FOI Act is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities. The FOI Act does not require public authorities to generate information, or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

4. How many patients are seen each year at Walton following surgery with Dr Gilete in Barcelona (Hospital Teknon) that have received no benefit from the surgery?

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 (FOIA) that we do not collate

information regarding surgery for external sources. Under the FOI Act, we are not required to create this information in order to answer your request. I should explain that the FOI Act is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities. The FOI Act does not require public authorities to generate information, or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

5. How many Occipitocervical fusions are done at Walton each year?

Due to the minimal number of patients identified, further information relating to a specific body part and the foreign object used will not be released under Section 40(3)(a)(ii)i of the Freedom of Information Act 2000, as releasing this information may lead to the undue stress of families and patients as this information may still lead to patients being identified. Therefore this information has not been released for reasons of confidentiality; compliance with the Data Protection Act 2018 and by virtue of the exemptions contained in section 40(3) of the Freedom of Information Act 2000 as the Trust believes that providing the information would be in breach of the Principle (B) of GDPR as well as provisions under Chapter III regarding individuals' rights.

6. Of those fusions, how many are done each year for non-trauma causes?

Due to the minimal number of patients identified, further information relating to a specific body part and the foreign object used will not be released under Section 40(3)(a)(ii)i of the Freedom of Information Act 2000, as releasing this information may lead to the undue stress of families and patients as this information may still lead to patients being identified. Therefore this information has not been released for reasons of confidentiality; compliance with the Data Protection Act 2018 and by virtue of the exemptions contained in section 40(3) of the Freedom of Information Act 2000 as the Trust believes that providing the information would be in breach of the Principle (B) of GDPR as well as provisions under Chapter III regarding individuals' rights.

7. How many of those fusions are done on patients with Ehlers Danlos Syndrome?

Due to the minimal number of patients identified, further information relating to a specific body part and the foreign object used will not be released under Section 40(3)(a)(ii)i of the Freedom of Information Act 2000, as releasing this information may lead to the undue stress of families and patients as this information may still lead to patients being identified. Therefore this information has not been released for reasons of confidentiality; compliance with the Data Protection Act 2018 and by virtue of the exemptions contained in section 40(3) of the Freedom of Information Act 2000 as the Trust believes that providing the information would be in breach of the Principle (B) of GDPR as well as provisions under Chapter III regarding individuals' rights.

Please see our response above in [blue](#).

Re-Use of Public Sector Information

All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005, Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirements of the Regulations and the licensing terms and fees as laid down by the Office of Public Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value.

Further information can be found at www.opsi.gov.uk where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at www.opsi.gov.uk/advice/psi-regulations/index.htm

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Freedom of Information Office at the address above.

Please remember to quote the reference number, FOI 4062 in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Mike Burns

Mr. Mike Burns, Executive Lead for Freedom of Information