

Date: Monday, 09th March 2020
Our Ref: MB/SS FOI 4281

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Re: Freedom of Information Request FOI 4281

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 05th March 2020.

Your request was as follows:

Please could you kindly send me any information you may hold relating persons who have died with no known next of kin* (*defined as blood relatives, this would include patients who have listed next of kin but where such persons are friends or non-blood relatives) since 1/2/20 to the day of your reply, or as close as possible to this date. Please include:

1. full names of deceased persons,
2. dates of death,
3. marital status,
4. maiden surnames of married or widowed females,
5. dates of birth or ages at death,
6. last known addresses,
7. estimated value of estates, if known.

I confirm that The Walton Centre NHS Foundation Trust holds some of the information you have requested such as full names, date of death, marital status, maiden surnames of married or widowed females, date of birth or ages at death and last known address. We do not hold information on the estimated values of estates. However, I am unable to provide you with that information as I consider that the following exemptions apply to it:

Section 31(1a) - The prevention or detection of crime

This information is exempt from disclosure under Section 31(1a) of the Freedom of Information Act 2000 (FoIA). We cannot provide personal information requested as your query on the grounds that the withheld information could be used to facilitate criminal acts such as identity fraud, theft of physical assets from a deceased's estate and criminal trespass. It points out that the requested information directly identifies deceased individuals in circumstances which could suggest that they did not leave relatives and did not leave a will. Consequently The Walton Centre NHS Foundation Trust asserts that disclosure of the requested information could make the assets and identity of those deceased persons vulnerable.

Section 21 - Information already reasonably accessible to you

This information is exempt from disclosure under Section 21 of the Freedom of Information Act 2000 (FoIA), as it is already reasonably accessible to you.

The information you have requested is available via the following link: Bona Vacantia:

https://www.bonavacantialist.co.uk/?gclid=EAlaIqObChMluvHQiOGF6AIVS7TtCh3GMwJqEAAYASAAEgKmd_D_BwE

Section 41(1)(a)(b)- Information provided in confidence

This information was provided to the Trust whilst the patient was alive and had an expectation of confidentiality; therefore the The Walton Centre NHS Foundation Trust retains the duty of confidentiality after death.

This response therefore acts as a refusal notice under section 17 of the FoIA.

Public Interest Test

To use this exception we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:

Factors in favour of disclosure:

- Disclosure of the data could potentially raise awareness of the general issue, as well as specific cases, increasing the number of cases where genuine beneficiaries can be identified.
- Disclosure of the data supports the general public interest in the transparency, accountability and general understanding of the delivery of public services.

Factors in favour of withholding:

- The Walton Centre NHS Foundation Trust does not recognise any specific public interest in the disclosure of the date of birth and maiden name of deceased individuals with no known next of kin.
- Disclosure of the exempted data will make it easier for the perpetration of criminal activities against the general public interest in a crime free society, as well as the public concern regarding the efficient use of police resources. Specifically, the theft of the identity of an individual through use of the disclosed data allows those intent on criminal activity the freedom to move around the country and instigate numerous criminal acts. The resources to resolve any criminal activity and track down the perpetrator will either need to be diverted away from other police activity, or will increase the overall cost to the public purse.

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 4281 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