

Freedom of Information Request

Ref: 22-507

30 September 2022

By Email

Dear Sir/Madam

Thank you for your request for information under the Freedom of Information Act 2000. The Trust's response is as follows:

- We can confirm that we hold some of the information you are requesting

1. We would therefore like to request 'All' password protected documents in full.

Under Section 14(1) of the Freedom of Information Act, public authorities do not have to comply with vexatious requests. In considering your requests for information I have looked at the Information Commissioner's Office guidance in respect of determining vexatious requests which are outlined on pages 7 and 8 of the following link:

<https://ico.org.uk/media/1198/dealing-with-vexatious-requests.pdf>

Please note the request does not have to meet all of the outlined indicators in order to be determined as vexatious. When considering whether your request meets the indicators, as outlined in the guidance, for a vexatious request, we have determined that the following applies:

- Burden on the Authority – The effort required to meet the request is grossly oppressive in terms of strain on time and resources, that the authority cannot reasonably be expected to comply.

This is due to the Trust not having systems or processes in place that would enable a search of this type to be undertaken or the technological solution to remove the encryption.

We are therefore withholding this information at this time.

2. Can you please provide me with the document or information whereby the Trust acknowledges that on the balance of probabilities Ben would have survived had he been given antibiotics earlier? (excluding the letter to Mr Hunt)

We do not hold this information.

3. As a further request, can the Trust please provide a full list of all documents that they have not disclosed in the period since Ben died and a reason why each document has not been disclosed.

Under Section 14(1) of the Freedom of Information Act, public authorities do not have to comply with vexatious requests. In considering your requests for information I have looked at the Information Commissioner's Office guidance in respect of determining vexatious requests which are outlined on pages 7 and 8 of the following link:

<https://ico.org.uk/media/1198/dealing-with-vexatious-requests.pdf>

Please note the request does not have to meet all of the outlined indicators in order to be determined as vexatious. When considering whether your request meets the indicators, as outlined in the guidance, for a vexatious request, we have determined that the following applies:

- Frequent overlapping requests. – The requestor has submitted frequent correspondence about the same issues.

This is due to the Trust having previously disclosed all of the information available.

We are therefore withholding this information at this time.

This concludes our response. We trust that you find this helpful, but please do not hesitate to contact us directly if we can be of any further assistance.

If, after that, 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:

Data Protection Officer
University Hospitals Bristol and Weston NHS Foundation Trust
Trust Headquarters
Marlborough Street
Bristol
BS1 3NU

Please remember to quote the reference number above 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 Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Publication

Please note that this letter and the information included/attached will be published on our website as part of the Trust's Freedom of Information Publication Log. This is because information disclosed in accordance with the Freedom of Information Act is disclosed to the public, not just to the individual making the request. We will remove any personal information (such as your name, email and so on) from any information we make public to protect your personal information.

To view the Freedom of Information Act in full please click [here](#).

Yours sincerely

**Freedom of Information Team
University Hospitals Bristol and Weston NHS Foundation Trust**