Torbay and South Devon
NHS Foundation Trust

Email: foi.tsdft@nhs.net
Our Ref: TSD10873

23 October 2026

Dear Sir/Madam

Request for Information

We are writing to confirm that we have now completed our search for the information you requested.

A copy of the information is below:

I am writing to request information under the Freedom of Information Act 2000. I would like to request the following information concerning inappropriate access by staff to patient records held by the trust.

1. **a) For each calendar year from 2021 to 2025, and for 1 January 2026 to 31 August 2026, the number of investigations opened into suspected inappropriate or unauthorised access by staff (including bank, agency and contracted staff) to patient records.**

Calendar Year	Employees only (not including bank / agency)
2021	<5
2022	6
2023	<5
2024	7
2025	8
2026 to date	<5

1. **b) For the same periods, the number of those investigations in which inappropriate access was substantiated.**

Calendar Year	Employees only (not including bank / agency)
2021	<5
2022	<5
2023	<5
2024	6
2025	8
2026 to date	<5

1. **c) For substantiated cases, the outcome in each period, broken down into: no formal action; informal action or retraining; formal warning; dismissal; resignation before conclusion; referral to a professional regulator.**

2021	<5 - Final written warning – 24 months <5 - Dismissal without notice
2022	<5 - Resolved with Informal discussion and file note made by Manager
2023	<5 - Restorative Approach - Informal action <5 - Dismissal without notice
2024	<5 - Restorative Approach - Informal action <5 - Dismissal without notice <5 - Dismissal with notice
2025	<5 - Restorative Approach - Informal action <5 - Informal recommendations and file note <5 - Dismissal without notice <5 - Final written warning – 24 months
2026 to date	<5 - Final written warning – 24 months

1. **d) For the same periods, the number of such incidents the trust reported to the Information Commissioner's Office.**

2021	<5
2022	0
2023	0
2024	<5
2025	<5
2026 to date	<5

2. **a) Whether, as at 31 August 2026, the trust uses automated or proactive monitoring of access to electronic patient records (for example, software that generates alerts for unusual access patterns), and, if so, the name of the product and supplier and the date it came into use.**
   No

2. **b) Whether the trust has a procedure for placing additional access restrictions or alerts on the records of patients likely to attract staff curiosity (for example, high-profile patients, staff members as patients, or patients subject to media coverage), and a copy of that procedure.**
   Our Electronic Patient Record system, Epic, includes a “Break the Glass” control that can be applied to particularly sensitive records. Rather than preventing access, it displays an additional warning and requires staff to confirm and record a legitimate clinical or business reason for viewing the record. Access is logged and may be reviewed, creating an enhanced audit trail and potentially alerting the Information Governance, privacy or security team. This helps deter inappropriate

access while ensuring authorised staff can view the information when needed for patient care. The Standard Operating Procedure is currently awaiting approval and has not yet been finalised.

Low Numbers:
Where there are less than 5, we are unable to provide the exact information you require as this may enable the identification of our employees, members of the public or patients. This would constitute personal information and would be considered exempt under Section 40 of the Freedom of Information Act. Section 40 (FOI Act) provides an exemption to disclosure, where disclosure would contravene any of the Data Protection principles. This exemption is an absolute exemption that is not subject to the public interest test. Where the information relates to an individual who can be identified from that data, or from that data when added to other information, in the possession of, or likely to come into the possession of the data controller, this meets the definition of personal data as defined by the Data Protection Act.

I do not seek any information that would identify individual staff or patients, and I do not seek information about any investigation opened after 31 August 2026. Where a figure is fewer than five, please state "fewer than five" rather than withholding the whole row. I am not requesting monitoring thresholds, alert rules or other technical detail of how access is monitored.

Please cover the period from 1 January 2021 to 31 August 2026.
If possible, please provide this information in electronic format, with the figures in parts 1 a) to 1 d) as a spreadsheet.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting.

If you wish to discuss any of the above, please contact us, quoting the FOI reference number above.

If you are unhappy with the way in which we have handled your request, please contact the Data Protection and Freedom of Information Lead in the first instance. If you wish to make a formal complaint, you should write to our Complaints Manager at Torbay and South Devon NHS Foundation Trust, First Floor Bowyer Building, Torbay Hospital, Torquay TQ2 7AA or by email to tsdft.feedback@nhs.net

If you are not content with the outcome of your complaint or the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner will only make a decision once you have exhausted the complaints and/or

internal review process provided by us. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or through this link https://ico.org.uk/global/contact-us/

Yours sincerely,

Freedom of Information Team