Torbay and South Devon
NHS Foundation Trust

Email: foi.tsdft@nhs.net
Our Ref: TSD10968

2 November 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:

Under the Freedom of Information Act 2000, please provide the following for each calendar year 2023, 2024, 2025 and 2026 to date:

1. The number of staff (including contractors and agency staff) subject to formal disciplinary action for inappropriately accessing patient records.

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

2. The outcome of those cases (e.g. dismissal, final written warning, other warning, no further action, left before outcome).

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

3. How many of these incidents were reported to the Information Commissioner's Office.

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

4. Whether the trust uses an automated system that flags suspicious access to records and, if so, how many alerts it generated in each year.
No

5. Of the cases in question 1, how many involved the records of
(a) a victim of crime
(b) a public figure, or
(c) a fellow member of staff, where this is recorded.
Each case would need to be reviewed individually to establish whether it involved any of the categories specified in question 5. Given the low numbers involved and the sensitive nature of these cases, disclosure of this breakdown could enable individuals to be identified when combined with other information. We are therefore withholding this information under section 40(2) of the Freedom of Information Act 2000, as disclosure would contravene the lawfulness and fairness principle in Article 5(1)(a) of the UK GDPR. This is an absolute exemption and is not subject to the public interest test.

Please treat question 5 separately from the rest of the request. If it cannot be answered, whether because the information is not recorded, would exceed the cost limit or is exempt, please say so and still answer questions 1 to 4 in full.

If any figure is small enough to risk identifying someone, please show it as "fewer than 5" rather than withholding it. If any other part exceeds the cost limit, please answer the rest, prioritising questions 1 and 2. Spreadsheet format would be ideal.
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.

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 Information Governance Team at Information Governance and Data Protection, Belmont Court, Torbay and South Devon NHS Foundation Trust, Torquay, TQ2 7AA or by email to tsdft.igteam@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