



**North East and
North Cumbria**

Our Reference North East and North Cumbria
ICB\FOI ICB784

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Applicant
By Email

07 March 2024

Dear Applicant

Freedom of Information Act 2000 – Request for Information – NHS North East and North Cumbria Integrated Care Board (NENC ICB)

Thank you for your request received by North of England Commissioning Support (NECS) on 21 February 2024 for information held by NHS North East and North Cumbria Integrated Care Board (NENC ICB) under the provisions of the Freedom of Information Act 2000.

NENC ICB covers the areas of County Durham, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley (which covers the 5 councils that make it up – Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees).

Please find the information you requested on behalf of the ICB as follows.

Your Request

Please can you advise how many abdominoplasty procedures were applied for via the IFR process, during the years:

2020 to 2023 inclusive and
2016 to 2019 inclusive

Please can you advise how many abdominoplasty procedures were approved for Individual Funding during the years:

2020 to 2023 inclusive and
2016 to 2019 inclusive

Please provide the 'clinical exceptional circumstance' for each of the cases where funding was approved during each of these years. Please note no personal data is required.

www.northeastnorthcumbria.nhs.uk

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NENC_NHS

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Our Response

Requests for abdominoplasty/apronectomy applied for by Place (1/4/2016 – 31/3/2020)

County Durham – 129
Newcastle Gateshead – 107
North Cumbria – 65
North Tyneside – 30
Northumberland – 56
South Tyneside – 46
Sunderland – 55
Tees Valley – 136

Requests for abdominoplasty/apronectomy applied for by Place (1/4/2020 – 31/3/2023)

County Durham – 37
Newcastle Gateshead – 38
North Cumbria – 17
North Tyneside – 11
Northumberland – 12
South Tyneside – 13
Sunderland – 10
Tees Valley – 31

Requests for abdominoplasty/apronectomy approved, by Place (1/4/2016 – 31/3/2020)

County Durham – 7
Newcastle Gateshead – 3
North Cumbria – 19
North Tyneside – 1
Northumberland – 4
South Tyneside – 1
Sunderland – 0
Tees Valley – 7

Requests for abdominoplasty/apronectomy approved, by Place (1/4/2020 – 31/3/2023)

County Durham – 2
Newcastle Gateshead – 2
North Cumbria – 8
North Tyneside – 0
Northumberland – 1
South Tyneside – 0
Sunderland – 0
Tees Valley – 3

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB does hold the requested information relating to the 'clinical exceptional circumstance' for each of the cases where funding was approved during each of these years however, it is exempt from disclosure under s.40(2) of the FOIA2000 which constitutes personal data as defined by Article 4(1) of the UK

General Data Protection Regulation (UK GDPR), as the level of detail required to show the clinical exceptionality of a case could compromise the patient's anonymity.

However, section 40(8) of FOIA confirms that for the purposes of considering disclosure, a public authority may consider the legitimate interest's lawful basis for processing. In considering the balance between identified legitimate interests and the rights and interests of the individuals concerned, we must consider if the proposed disclosure would be within the reasonable expectations of the individual when the data was collected.

We believe that disclosure of the personal information relating to these individuals would be contrary to the requirements of Article 5(1)(a) of the GDPR; namely that information must be processed lawfully, fairly and in a transparent manner. These individuals would have no expectation that this information would be made publicly available, and we have not identified a lawful basis that would allow or require us to disclose this information.

We have followed the Information Commissioner's guidance in assessing whether it is fair to disclose the information under FOIA. This involves considering the nature of the information, the expectations of, and potential harm (of disclosure) to, the data subjects, and how any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

In considering a disclosure under FOIA, we must consider that any information released under the Act will be placed in the public domain, through our own disclosure log or by other means.

We note that none of the requested information which includes special categories of personal data is publicly available. The data subjects would not have had a reasonable expectation that this information would be made public, either now or at the time the information was created. Additionally, we have not identified a lawful basis that would allow or require us to disclose this information. We have therefore concluded that disclosure of this information would be in contravention of the GDPR.

In accordance with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the NHS ICB website <https://northeastnorthcumbria.nhs.uk/>.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the service you have received in relation to your request and wish to request a review of our decision, you should write to the Senior Governance Manager using the contact details at the top of this letter quoting the appropriate reference number.

If you are not content with the outcome your review, you do have the right to complain to the Information Commissioner as established by s.50 of the Freedom of Information Act 2000. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the North of England Commissioning Support Unit.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow
Cheshire
SK9 5AF
www.ico.org.uk

Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example to publish it. If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 www.legislation.gov.uk . This will not affect your initial information request.

Yours sincerely

Hilary Murphy

Hilary Murphy
Information Governance Officer