

Trust Headquarters  
Russells Hall Hospital  
Dudley  
West Midlands  
DY1 2HQ

Date: 29/10/2012

### **FREEDOM OF INFORMATION ACT 2000 - Ref: FOI/011257**

With reference to your FOI request that was received on 05/10/2012 in connection with 'No known next of kin details'.

Your request for information has now been considered and the information requested is enclosed.

Further information about your rights is also available from the Information Commissioner at:

**Information Commissioner**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 0303 123 1113  
Fax: 01625 524510  
[www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

Information Governance Manager  
Room 34a, First Floor, Esk House, Russells Hall Hospital, Dudley, DY1 2HQ  
Email: [FOI@dgh.nhs.uk](mailto:FOI@dgh.nhs.uk)

Please find the response to your request below:

Your request was for information regarding persons who have died with no known next of kin since 1/7/12 to the date of your reply.

Please include any 'pending' cases that have been passed, or may shortly may shortly pass to the Local Council for further investigation or to Treasury Solicitor (or Duchy of Lancaster/Duchy of Cornwall within their jurisdictions) and any cases where the Deceased died before 1/7/12 but have only recently come to light, for whatever reason.

More specifically; full names, dates of birth or ages at death, marital status, maiden surnames of married females, dates of death, last known addresses, estimated value of estates,date(s) when the information was passed (or information that is pending or about to be passed) to the Treasury Solicitor (or Duchy of Lancaster or Cornwall or QR in Scotland).

The Trust has no one that meets this criteria from date requested to present.

However, It has been confirmed by the Information Tribunal that the duty of confidentiality does continue after the death of an individual to whom that duty is owed. Where there is a legally enforceable duty of confidentiality owed to a living individual, after death it can be enforced by the deceased's personal representative.

**PLEASE NOTE:** In your previous FOI request, reference 010904 dated 22.6.2011, you stated that you had taken extensive advice as that you were aware that the case of BLUCK appears to often dictate a refusal to supply information, however, you stated that you were not asking for the Deceased's name or address or medical records (which were at the heart of the Bluck case) at that time and therefore all opinions you had received suggest that supplying the information for FOI 010904 should be entirely acceptable and you hoped that the Trust could see that the concerns raised by BLUCK would not be an issue in this case.

However in this instance (request reference 011257) you are asking for person identifiable information, for which the Trust would still owe a duty of confidence to its patients not to release after death, as it is a requirement for the Trust to inform patients what their information will be used for when it is collected.

The Information Commissioner's Office states that most information in medical records is likely to be confidential and exempt under section 41. However, this exemption may not apply to any information already made public, for example on the death certificate or in an inquest or coroner's court, especially if publication was very recent or widely reported. Therefore the Trust would be able to offer you information it holds that would be available to the public, for example responses to your questions 2 (age at death), 5, 6 (first part of post code only) and question 8. The Trust considers that the disclosure of confidential information may undermine the principle of confidentiality. People would be discouraged from confiding in the Trust if they did not have a degree of certainty that such confidences would be respected.