

Ref: FOI/GS/ID 6056

Please reply to:
FOI Administrator
Trust Management
Maidstone Hospital
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Email: mtw-tr.foiadmin@nhs.net

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Freedom of Information Act 2000

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to the details of deceased patients with no known next of kin.

You asked:

Please could you kindly send me any information you may hold relating persons who have died with no known next of kin (*defined as blood relatives, this would include patients who have listed next of kin but where such persons are friends or non-blood relatives) since 1/2/20 to the day of your reply, or as close as possible to this date. Please include:*

- 1. full names of deceased persons,*
- 2. dates of death,*
- 3. marital status,*
- 4. maiden surnames of married or widowed females,*
- 5. dates of birth or ages at death,*
- 6. last known addresses,*
- 7. estimated value of estates, if known.*

Trust response:

Section 31(1)(a) provides an exemption where prejudice could be caused to other investigations and to general steps taken in relation to law enforcement in that disclosure of this information would be likely to prejudice the prevention of crime by enabling or encouraging the commission of offences for instance fraud .

In addition the Trust considers that the information requested would fall under section 26(2)(c) of the Freedom of Information Act. This exemption applies as disclosing the information in question would be likely to prejudice the effective conduct of public affairs. Disclosure may lead to the commission of offences and cause loss to unsecured estates which may impede the Treasury

Departments investigations and prejudice their statutory function to collect bona vacanti. In turn this information may be used in such a way as to impede the Treasury Solicitor's Department's investigations into estates.

You will also appreciate that patient identifiable information is, by its very nature, owed a duty of confidence, the disclosure of which would constitute a breach of confidence actionable by that or any other person. Section 41 (FOI) provides an absolute exemption for information meeting this definition. Whilst health records relating to deceased people do not carry a common law duty of confidentiality, it is Department of Health and General Medical Council policy that records relating to deceased people should be treated with the same level of confidentiality as those relating to living people. Access to the health records of a deceased person is governed by the Access to Health Records Act 1990. Should we release the patient's date of death and date of birth the patient may be identified by other means.