



**Portsmouth Hospitals
University**

NHS Trust

Freedom of Information Team
De La Court House
Queen Alexandra Hospital
Southwick Hill Road
Portsmouth
Hampshire
PO6 3LY

Name: Dr Minh Alexander

Email: REDACTED

Date: 27/10/2023

Ref: 23-24 448

Dear Dr Alexander,

RE: Freedom of Information request

Thank you for your request for information under the Freedom of Information Act 2000, which was received by the Trust on 29/09/2023. Please see responses to your requests below.

1. May I ask if the view that remediation was not needed came from the barrister's opinion or was that the trust's view?

The view that remediation was not needed was the trust's view informed by the findings of the barrister's report.

2. Can the trust disclose the terms of reference that it set for the barrister?

The review was requested in an email and the barrister was briefed verbally during conference with counsel.

3. What were the barrister's conclusions and recommendations?

The purpose of the review was to assess the suitability of Dr Knighton against the context of the Fit and Proper Person requirements. As such, the totality of the report, including the conclusion and recommendations, amounts to the personal data of Dr Knighton.

Section 40(2) of the FOIA allows public authorities to refuse to disclose third party personal data where to do so would be in breach of any of the principles set out in the UK GDPR and Data Protection Act 2018. The Trust is of the view that disclosure of this information would be in breach of the first data protection principle, which states that

personal data must be processed fairly, lawfully, and transparently. Individuals subject to internal processes have a reasonable expectation of confidentiality. In the circumstances, the Trust consider that it would not be fair to disclose the conclusions and recommendations of the review.

4. Which trust managers have had sight of the barrister's Fit and Proper Person (FPP) report?

The Chief Executive, the Chief People Officer and relevant managers within the Trust's HR department.

5. Have all the trust audit committee members had sight of the barrister's FPP report?

No

6. Has the trust taken any action at all against Dr Knighton in respect to his actions and omissions in Dr Macanovic's whistleblowing case?

Section 40(2) of the FOIA allows public authorities to refuse to disclose third party personal data where to do so would be in breach of any of the principles set out in the UK GDPR and Data Protection Act 2018. The Trust is of the view that information relating to this question amounts to the personal data of Dr Knighton. Disclosure of which would be in breach of the first data protection principle, which states that personal data must be processed fairly, lawfully, and transparently. Individuals subject to internal processes have a reasonable expectation of privacy and confidentiality. In the circumstances, the Trust consider that it would not be fair to disclose information in relation to this question.

7. Why did the trust not publish a summary of the barrister's conclusions and recommendations, in the interests of transparency and accountability, especially given the extremely serious ET finding of serious whistleblower detriment by senior trust managers?

As explained in response to question 3 above, the purpose of the review was to assess the suitability of Dr Knighton against the context of the Fit and Proper Person requirements. As such, the totality of the report, including the conclusion and recommendations, amounts to the personal data of Dr Knighton.

The Trust is of the view that disclosure of this information would be in breach of the first data protection principle, which states that personal data must be processed fairly, lawfully, and transparently. Individuals subject to internal processes have a reasonable expectation of confidentiality. In the circumstances, the Trust consider that it would not be fair to disclose the conclusions and recommendations of the review.

Please accept this letter as completion of your request. Please note that copies of this request will be held on file for three years before being confidentially destroyed.

If you are dissatisfied with the outcome of your request, please contact our Head of Information Governance on Information.Governance@porthosp.nhs.uk or write to the above address and we will conduct an internal review. Upon review, if you are still dissatisfied, you may appeal our decision by contacting the Information Commissioner's Office; for more information, please visit the [ICO's website](#).

Please be aware, if we do not receive an appeal within 30 days of you receiving this letter, we will assume that you are satisfied with our response. If you have any further queries, please do not hesitate to contact us.

Yours sincerely,

Freedom of Information Team