

FOI 2122063 – Contracting

NHS Calderdale CCG's response to your request can be found below.

**In relation to last financial year (20/21) could you please provide me with information relating to the first 20 occasions in which you sanctioned the use of a patient's Personal Health Budget (PHB) to be spent on something that was NOT for the provision of care, medicine, or transport to a place where care or medicine was provided?**

**1. For each of these 20 occasions please state**

- i. what the money was spent on and**
- ii. how much money was spent on it and**
- iii. the outcome the patient was working towards as a result of this spend.**

NHS Calderdale CCG can confirm that we did authorise patient's Personal Health Budget (PHB) to be spent on something that was not for the provision of care.

However because the total number authorised and the nature of what they were spent on can be easily identified to that individual we are withholding releasing the information under the exemption Section 40(2) – Personal Information of the Freedom of Information Act.

Section 40(2) (b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles, that being that disclosure would identify the patient.

Therefore we are unable to provide disclosure of the information requested. We are however able to release that the money spent in total in 2020/21, on PHB's for non-healthcare purposes was £3,000.00. These were identified as having an outcome of: To enable outdoor access to participate in social activities and to improve their general health and wellbeing.

**Note: What I am after is any capital expenditure which is not immediately apparent as of a medical purpose. So a specialist bed would be medical and I would not want to know about it, but a large screen television for a patient with vision problems would be something that I am interested in, as somebody not familiar with the case would not be able to tell that the set had been bought because of the patient's vision problems. The request covers PHBs for both adults and children.**

#### Refusal Notice

Some of this information is exempt from disclosure under Section 40 (2) (Personal Information) of the Freedom of Information (FOI) Act (2000) due to the low number of individuals involved (equal to or less than 5).

As per the requirements of Section 1, 1(a) of the Freedom of Information Act, NHS Calderdale CCG confirms that it holds this information. However, the CCG is of the view that it is unable to disclose some of the exact figure as it could potentially lead to the identification of the individuals to whom it relates.

Section 40 (2) (Personal Information) provides an absolute exemption where disclosure of personal data about someone other than the applicant would contravene any of the data protection principles.

□ Principle 1: “Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.” In particular, people’s personal data should be handled only in ways they would “reasonably expect”.

In order to comply with the General Data Protection Regulation and Data Protection Act (2018), disclosure of personal data under the FOI Act must be “fair” to the data subject (the first data protection principle). Having taken this into account, the CCG has decided, due to the small numbers of people in question, that it would not be “fair” to those individuals to release the exact figures as it could lead to their identification. As such, the CCG has determined to issue an exemption notice under section 40 (2) (Personal Information) of the Freedom of Information Act. This exemption is an absolute exemption and therefore is not subject to a public interest test