

Mr Ian Kermode  
Court View Chambers  
14 Albert Street  
Douglas  
IM12QA

Manx Care  
Noble's Hospital, Strang  
Braddan, Isle of Man IM4 4R  
(01624) 650 000

**Our ref: 2811329**

2<sup>nd</sup> January 2023

Dear Mr Kermode

We write further to your request which was received on 2<sup>nd</sup> December 2022 which states:

- "1. How many individual data protection breaches have been committed by Manx Care (staff/management) since 1st April 2021?  
2. How many of such breaches have been referred to the IOM Information Commissioner?  
3. What is the total amount of fines and costs imposed on Manx Care for breaches of data protection laws/regulations since 1st April 2021 to date?"*

#### **Our Response**

1. *How many individual data protection breaches have been committed by Manx Care (staff/management) since 1st April 2021?*

There have been 220 breaches since 1<sup>st</sup> April 2021 until 30<sup>th</sup> November 2022. All breaches are recorded on Manx Care's breach log, and include:

- near misses
- emails to the incorrect individual but do not contain personal data and
- information which was sent to the incorrect individual but password protected (and consequently the personal information was not disclosed).

2. *How many of such breaches have been referred to the IOM Information Commissioner?*

55 breaches have been referred to the IOM Information Commissioner.

Art. 33 GDPR, Notification of a personal data breach to the supervisory authority:

"Controllers must notify the Commissioner if a personal data breach is likely to result in a risk to the rights and freedoms of an individual. If a breach is unlikely to lead to a risk to an individual then it is not necessary to notify the breach to the Commissioner."

3. *What is the total amount of fines and costs imposed on Manx Care for breaches of data protection laws/regulations since 1st April 2021 to date?"*

While our aim is to provide information whenever possible, under section 20 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you, whether free of charge or on payment of a fee.

This information is available on the Information Commissioners website:

[www.inforights.im/penalty-imposed-on-manx-care](http://www.inforights.im/penalty-imposed-on-manx-care)

Please quote the reference number 2811329 in any future communications.

### **Your right to request a review**

If you are unhappy with this response to your freedom of information request, you may ask us to carry out an internal review of the response, by completing a complaint form and submitting it electronically or by delivery/post.

An electronic version of our complaint form can be found by going to our website at <https://services.gov.im/freedom-of-information/Review> . If you would like a paper version of our complaint form to be sent to you by post, please contact me and I will be happy to arrange for this. Your review request should explain why you are dissatisfied with this response, and should be made as soon as practicable. We will respond as soon as the review has been concluded.

If you are not satisfied with the result of the review, you then have the right to appeal to the Information Commissioner for a decision on;

1. Whether we have responded to your request for information in accordance with Part 2 of the Freedom of Information Act 2015; or
2. Whether we are justified in refusing to give you the information requested.

In response to an application for review, the Information Commissioner may, at any time, attempt to resolve a matter by negotiation, conciliation, mediation or another form of alternative dispute resolution and will have regard to any outcome of this in making any subsequent decision.

More detailed information on your right to a review can be found on the Information Commissioner's website at [www.inforights.im](http://www.inforights.im).

Should you have any queries concerning this letter, please do not hesitate to contact me.

Further information about freedom of information requests can be found at [www.gov.im/foi](http://www.gov.im/foi).

I will now close your request as of this date.

Yours sincerely

