**Responding to a FOI request**

Section 40(2) exemption – Personal Information

Where very small numbers of patients have been identified as suffering from Body Dysmorphic Disorder, there could be the potential risk of identification of individuals, and as such we consider this to be confidential personal information.

One of the conditions listed in section 40 (3) (a) (i), is where the disclosure of the information would contravene any of the principles of the UK General Data Protection Regulation (UK GDPR) 2016 and Data Protection Act 2018 (DPA). In order to rely on the exemption provided by section 40, the information being requested must constitute the personal data as defined by UK GDPR/DPA which defines personal data as:

*‘…any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’*

After due consideration given to this matter, we decline to disclose the exact number of patients who have been identified via our EMIS patient search as suffering from Body Dysmorphic Disorder where the figure is fewer than 5, as to do so would breach specific UK GDPR/DPA principles.  We have applied the exemption under sections 40 (2) and 40 (3) (a) (i) of the Freedom of Information Act 2000. If you would like further detail as to our analysis of the principles of the UK GDPR/DPA that would be contravened by disclosure, please do not hesitate to contact us.