

**East Hampshire, Fareham and Gosport Primary Care Trusts**

Unit 180, Fareham Reach
166 Fareham Road
Gosport
PO13 0FH

26 August 2005

Tel 01329 233447
Fax 01329 234984

PRIVATE AND CONFIDENTIAL

Mr D W Wilson

Code A

Dear Mr Wilson

Re: The Late Mrs Dulcie Middleton

Thank you for your letter of 10th August 2005.

May I firstly assure you that it is not my intention to be unhelpful; I simply stated what can and cannot be provided to you.

You have requested a copy of the documents that prove that the Primary Care Trust is under a contractual duty not to disclose personal information about staff involved in the provision of care in relation to Mrs Middleton, or any other staff for that matter. This contractual duty is conferred under the General Principles of Data Protection and Confidentiality and the Primary Care Trust has a statutory responsibility to comply with these Principles.

The duty is outlined in the Standard Contract of Employment and I am happy to attach the relevant section of a blank contract for your information. The duty is further described in the Primary Care Trust's Offer of Employment letter to every employee that outlines how personal information will be used and I draw your attention to page 2 where the disclosure of information is qualified. Further information about the Data Protection Act 1998 is available on the Internet at the following address: www.informationcommissioner.gov.uk.

I do not agree that the Primary Care Trust is inviting anyone to embark upon litigation, however we always seek to be helpful by providing information about choices of action. Your letter of 28 July 2005 in fact advised that should a decision be taken to commence proceedings the Trust will be invited to enter into a pre-action protocol and I was responding to that point.

As I stated in my letter of 5th August 2005, Mrs Bulbeck was sent a full response following investigation of her complaint on 3 October 2002. An offer at that time to meet to discuss the response further was not taken up. I am sorry that for the reasons given above I remain unable to provide you with personal information about staff.

Yours sincerely

Code A

John Wilderspin
Chief Executive
Encs