

Dear

**FREEDOM OF INFORMATION – DATA BREACHES**

I write in response to your request for information in relation to data breaches in NHS Lothian.

**Question:**

1. Please state how many data breaches there have been in the health board over the last five years (2019-20, 2020-21, 2021-22, 2022-23 and 2023-24).
2. How many of these breaches related to patients receiving the incorrect information, diagnosis, or the information of another patient? Where this happened, please state which kind of information was shared.
3. Please provide the nature of the breaches in as much detail as possible.

**Answer:**

The table below details the data breaches recorded in NHS Lothian for the period requested. I have not released numbers of 5 or fewer in the table, as this information could lead to the identification of the individuals involved. Since we do not have their consent to release their personal data, the information is exempt under section 38 of the Freedom of Information (Scotland) Act 2002 as to provide it would breach the principles of the Data Protection Act 2018.

Data breaches, NHS Lothian						
Breach type	2019	2020	2021	2022	2023	2024
Letter to wrong address	≤5	0	0	≤5	0	0
Bag stolen	≤5	0	0	0	0	0
Inappropriate access to records	≤5	6	≤5	≤5	≤5	≤5
Mislabelling	≤5	0	0	0	0	0
Subject Access Request not handled appropriately	≤5	0	≤5	≤5	≤5	≤5
Loss of data	0	0	0	0	≤5	0
Laptop stolen	0	0	0	0	≤5	0
Letter with department visible	0	0	0	0	≤5	0
Information shared inappropriately	0	0	0	0	0	≤5

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at [www.itspublicknowledge.info/appeal](http://www.itspublicknowledge.info/appeal). If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the reviewer at the address at the top of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI>

Yours sincerely

**ALISON MACDONALD**  
**Executive Director of Nursing Midwifery and AHPs**  
Cc: Chief Executive