

OPEN LETTER

From: Phil Austen-Jones and Rachael Austen-Jones

17 October 2019

Dear Maggie MacIsaac, Stuart Ward, Judy Gillow and Sarah Schofield

GDPR Breach by WHCCG Board Members

I am disgusted to be in the position where I am having to write this letter. You are aware of the significant strain that the actions of West Hampshire CCG have had on us as a family. You have personally added to this ill-treatment.

Following Ellen McNicholas' letter of 4 September 2019, we waited for over a week to get an additional response regarding the tampered documents. Despite the serious nature of the concern raised (which we had brought to WHCCG's attention many months ago), we received nothing. With a deadline of 4 October 2019 before we would escalate matters, we responded in writing to you on 15 September 2019 to provide time for you to respond despite Ellen McNicholas' failure to act with due urgency. We still await a response from you.

More significantly, included in the documentation were requests which are covered by GDPR. Under Article 15, we requested investigation records. Under Article 17, we requested the deletion of the records relating to the November 2017 and January 2018 reviews. You have not responded in the required timescales. This is UNLAWFUL.

This is not the first time that GDPR requests have been flouted by West Hampshire CCG in our case. This is truly unacceptable yet it is happening at the top of the organisation. There is nothing complex in our request – copies of records which will be on file and deletion of other records considering that you have finally admitted that we were misinformed.

There are seven principles of public office (these can be found at www.gov.uk). Your actions / inactions indicate failings in objectivity, accountability, openness, honesty and leadership.

Objectivity – *“Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.”* It cannot be considered to be fair if you do not disclose information to us that we are lawfully entitled to.

Accountability – *“Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.”* You are avoiding accountability by not releasing information that we are lawfully entitled to.

Openness – *“Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.”*

Honesty – *“Holders of public office should be truthful.”* Withholding information unlawfully indicates that the truth is being hidden.

Leadership – *“Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.”* You cannot lead on these principles if you are not upholding them yourselves.

Failure to respond by the end of Friday 18 October 2019 will result in us reporting you to the Information Commissioners Office. We will also add this to our legal dispute with you and, on the advice of a Met Police Officer, update the police on WHCCG's failure to respond to the tampered documents.

We still await a response to our letter. We have repeatedly indicated that we wish to resolve this whole matter as quickly as possible. Your actions / inactions indicate that you wish to drag out our case and inflict more ill-health on us through stress, etc. We strongly urge you to uphold the principles of public office and resolve this matter urgently. We are open to talks, as previously indicated.

Please be advised that we are aware of the case involving the NHS whistle-blower, Peter Duffy FRCS MD. We know about the behaviours he experienced when legal action ensued. We are prepared for all eventualities in order to obtain justice.

Yours sincerely

Mr P Austen-Jones
Mrs R Austen-Jones