

Witness Name: Nick Hulme  
Statement No.: WITN5682002  
Exhibits: WITN5682003  
Dated: 24 August 2021

## **INFECTED BLOOD INQUIRY**

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### **SECOND WRITTEN STATEMENT OF NICK HULME**

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I provide this statement in response to a request under Rule 9(1) of the Inquiry Rules 2006, dated 18 August 2021.

I, NICK HULME, CEO of East Suffolk and North Essex Foundation Trust, will say as follows: -

#### **Retention of Records**

1. The Data Protection Act 2018, Article 5(1)(e) states personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
2. The guidance that was in place at the time, which advises how long information is to be kept for, was the NHS Records Management Code of Practice for Health and Social Care 2016. The guidance states the retention period is 8 years and retention starts at discharge or when patient last seen. At the end of this retention period the best practice from the guidance is to destroy the records.

### **Subject Access Request**

3. All requests for copies of medical records are handled by our Access to Medical Records team.
4. The Data Protection Act 2018 came in place 25 May 2018 (this query was first raised June 2018).
5. A request for a copy of records was received on 15 June 2018.
6. This request was given the unique reference number HR16103.
7. I can confirm a search was undertaken for records which included:
  - a. A&E Records
  - b. Main Notes
  - c. Physio notes
  - d. X-rays
  - e. ICE system (which is used for clinical correspondence)
  - f. Maternity notes
  - g. Photographs
8. We have also checked and can confirm there are no transfusion records on the Winpath system (a Laboratory Information System that allow Laboratory users to request, manage and result laboratory test requests electronically and report them to other connecting systems). Win Path is in use for Blood Transfusion, BHI and Cell Path.

### **Further Search**

9. Following the request from the Inquiry, we have undertaken a further search of our records to ensure all correct procedures were followed.
10. The search located histology samples on the Apex system (another Laboratory Information System used for Microbiology) from 1991.

11. It is not possible to search every system to response to a SAR's request. As a Trust we are of the view it is disproportionate as there are 100's of different systems.
12. When a patient requests a copy of their medical records, we provide their Evolve record where clinical records are held. We do not automatically provide information from the pathology system, only when specifically asked for it.
13. After reviewing the patient's original request email in 2018 she states that she was given blood in 1991 so brought to our attention that she was trying to obtain records that included blood transfusion.
14. Therefore, I think it was a missed opportunity and for this, I apologise.

**Communication with the patient**

15. The patient was informed of this by way of email dated 18 June 2018 as follows:

*"Hi Jacky,  
Thank you for this,  
I have had a look on our system and unfortunately, your Health Records have been destroyed under the Records Management Code of Practice.  
Sorry for any inconvenience caused."*

16. The patient questioned this and explained she had been told we held her records. It is unclear where she received this information. She asked what had happened and the following reply was sent:

*"Hi Jacky,*

*I am unable to give you an exact date; however we believe they have been destroyed for at least 10years.”*

17. The patient replied on 19 June 2018 and stated she wished to apply for her records “under the new GDPR” and it was confirmed this was the process she had followed, and that her records had been destroyed around 10 years previously.

18. I have attached to this statement, marked and exhibited as ‘WITN5682003’ a copy of the email chain between the patient and the Access to Medical Records Team for completeness.

#### **Destruction of records**

19. From what we can ascertain, it appears the patient was last treated at Colchester Hospital in 1991.

20. The PAS system (Patient Administration System used at Colchester Hospital for all Patient activity from ED attendances, Referrals, Outpatients, Waiting Lists, Theatres, Inpatient, Reporting and Order Communications) states Batch Transfer 13.5.2008 which means her records were transferred to a microfilm or destroyed in 2008.

21. We can confirm there is no microfilm relating to this patient, and therefore, her records were destroyed in 2008, in line with the retention process, 10 years prior to her request.

#### **Transfusion Team**

22. We have checked with our transfusion team who have been managing records and requests relating to the Inquiry, and the patients involved and they have confirmed the patient was not identified as part of the cohort of patients as given infected blood.

23. It is noted the patient herself was only diagnosed in 2018 after the Inquiry began.

**Apology**

24. I would like to take this opportunity to apologise to Mrs Barber that her histology records were not sent to her when she made her original request.

25. I would also like to apologise that Mrs Barber found the process of requesting records difficult. This is certainly not the experience we wish any patient to have.

**Statement of Truth**

I believe that the facts stated in this witness statement are true.

Signed:

GRO-C

Dated: 24<sup>th</sup> August 2021