

16th September 2026

Eastbourne District General Hospital

Kings Drive
Eastbourne
East Sussex
BN21 2UD

Tel: 0300 131 4500
Website: www.esht.nhs.uk

Further to your recent request for information made under the Freedom of Information Act (FOIA) 2000, I now set out our answers to your specific questions, and any clarifications sought and provided, as follows:

- 1) **Please confirm the consultant who performed my left hip anterior operation on 16/7/26, I was under Mr Yousef Hasan at Conquest but want to know if he performed the operation or one of his registrars?**

We can confirm that the information requested constitutes the personal data of the applicant. Therefore, under Section 40(1) of the Freedom of Information Act 2000, the information is exempt from disclosure under the Act. Access to personal data is provided through the rights of access contained within the UK GDPR and Data Protection Act 2018. Accordingly, this element of your request will be considered as a Subject Access Request.

Please submit your Subject Access Request via the following link:

<https://www.esht.nhs.uk/about-us/contact-us/requests-for-copies-of-health-records/>

In the event that the SARs Team is unable to process your request, please direct any further enquiries to PALS via the following email address:

esh-tr.patientexperience@nhs.net

- 2) **Since Mr Yusef Hasan has joined ESHT, how many patients have had problems following hip operations that he or his registrar performed?**

The information requested is considered *personal information* and under Section 40(5) of the FOIA, we can neither confirm nor deny that we hold information relevant to your request.

Section 40(5)(b)(i) of the FOIA applies where information, if held, would be the personal data of a third party and where confirming whether it is held would breach any of the principles relating to the processing of personal data listed in Article 5 of the UK GDPR. It is our view that to publicly confirm or deny whether we hold any complaints would breach the first principle of the GDPR, which requires that the processing of personal data is 'fair, lawful and transparent'.

Disclosing personal data under the FOIA constitutes 'processing'. There are six lawful bases for 'processing' in Article 6 of the GDPR, with only consent (a) or legitimate interests (f) relevant to disclosure under the FOIA. We do not believe that any of the legal bases for processing are met and therefore, confirming whether or not any complaints are held would be unlawful. Our view is that it is reasonable for doctors and complainants to expect that complaints will be treated as confidential and that disclosure would not be considered 'fair' by the individuals involved. The engagement of Section 40(5) in this case, as it corresponds to Section 40(3A)(a), is considered *absolute* and is not subject to public interest considerations.

The Trust's position is supported by the Information Commissioner's Decision Notice, Case Reference: FS50623843 - [fs50623843.pdf \(ico.org.uk\)](https://ico.org.uk/media/2/migrated/decision-notice/fs50623843.pdf)

<https://ico.org.uk/media/2/migrated/decision-notice/1624284/fs50623843.pdf>

I trust this information is helpful in its detail or explanation however, if you are dissatisfied with the response, then you have the right to request an internal review. If you wish to seek an internal review, please write to the Freedom of Information Team at esh-tr.foi@nhs.net quoting the above FOI reference number, within 40 working days. Please note the Trust is not obliged to accept a request for an internal review after this time period.

Yours faithfully

Freedom of Information (FOI) Team
East Sussex Healthcare NHS Trust
0300 131 4716
Core Hours of Business: Monday to Friday 9.00am to 4.00pm