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Personal and Confidential

Mr Karl Hevera

Email: hevera@btinternet.com

Our Reference: NDC/LG

Please quote our reference when contacting MPS

12 January 2012

Der Mr Hevera

Thank you very much for your recent email enquiry.

I should start by explaining that the Medical Protection Society is a not for profit mutual organisation offering discretionary indemnity and assistance to members with legal, ethical and related problems that arise from their professional practice. As I understand it you are not a member and I cannot therefore provide you with substantial advice or assistance in this matter.

However, I do note that your concern appears to revolve around the disclosure of confidential information regarding your health from (I understand) your Local Council to the Local Government Ombudsman, whom I believe is currently investigating a complaint on your behalf.

In general terms, although information of this type relating to an identifiable individual is subject to the usual common law on confidentiality and the provisions of the Data Protection Act, there are a number of exceptions which can apply and which you may want to look into in this particular case. In particular, the Ombudsmen (including the Local Government Ombudsman) does have the same powers as the High Court to obtain information and documents which could be used to compel disclosure of confidential information from a person or organisation who held that material.

I would suggest that the way forward for you would be to take up your enquiry both with the Local Council and the Local Government Ombudsman to try and establish exactly what information was requested and under what circumstances, so as to establish whether the Ombudsman was in fact exercising this power.

It may be helpful for you to review information on the Local Government Ombudsman's website at www.lgo.org.uk/about-us/ and also to consider reviewing the provisions of the Data Protection Act which you will find on the Information Commissioner's Office website at www.ico.gov.uk.

I appreciate your concern about your confidential data. Although MPS would normally hold correspondence confidentially on file in accordance with our Data Protection Act obligations, I can arrange for your correspondence to be confidentially destroyed if you would prefer. Please let me know how you would like me to proceed.

I am sorry not to be able to take this matter any further for you on an individual basis but hopefully this general information may be helpful to you.

Yours sincerely

Dr N D Clements
Head of Medical Services

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