

Dear Chief Executive and those copied:

Whilst conducting his investigation, the Local Government Ombudsman thought it necessary and relevant to request from you copies of my Care Plans. These highly confidential, personal reports, contain medical information and my HIV status, which in itself is a privileged information.

I do not understand why the Ombudsman requested these old documents, as they have no **relevance** to my complaint about the Council's gross incompetence in handling my needs assessment in October 2010.

The Ombudsman already has a copy of the FACE assessment From I complained about, for being incomplete and inaccurate. This particular form, intentionally or by error, did not list my medical diagnosis and did in no explicit way disclose my HIV status.

Yet, in your reply to the Ombudsman, you provided copies of all my Care Plans, going back to 2000, disclosing to the Ombudsman my HIV+ status.

Department of Health's publication ' **Data Protection Act 1998, Guidance to Social Services** ', dated March 2000, states in paragraph **6.22**:

#### **Disclosure of Information WITHOUT CONSENT**

##### **Disclosure for other purposes**

An authority will need to disclose personal information to various bodies, with the power to order disclosure, when ordered to do so. Professional and legal advice should be sought and considered in each case.

**Any information disclosed should be the minimum necessary to meet the requirements of the situation.**

Where such a disclosure is made, authority should record its reasons. Particular requirements of this kind include disclosure to:

- police
- the courts
- certain tribunals
- statutory inquiries
- individuals with the power to require information relevant to matters within their jurisdiction to be disclosed (the Secretary of State for Health, the Commissioner for Local Administration, Guardians *ad litem* and reporting officers, the Health and Safety Executive, etc).

Even if the Ombudsman's request for information was **relevant**, a key word here, to his investigation you should have complied with the provisions of this paragraph.

You did not. Instead, being very generous indeed, enthusiastically, with utter disregard for rule or reason, you copied 57 pages of my Care Plans and delivered them, in paper and electronic form, to the Ombudsman.

What is very distressing and causing much concern is the fact that in the process you disclosed my HIV+ status to the Ombudsman, who had no right at all, to know it as it is NOT **relevant** to his investigation.

I have submitted requests for clarification to the Department of Health, the authors of this publication, Medical Protection Society, Information Commissioner's Office and General Medical Council.

I have been informed by the General Medical Council that they will investigate my concerns.

As ever

A handwritten signature in black ink that reads "Karl Hevera". The signature is written in a cursive style with some loops and flourishes.

Karl Hevera

London 10<sup>th</sup> January, 2012

Cc: NHS St Mary's Hospital, London – Legal Department