**Freedom of Information - Humberside Fire and Rescue Service**

**2023/094 – Staff sick days and mental health**

**The request is:**

Please could you please supply me with the following information concerning the number of days off sick members of staff in the fire service have taken in the past five years (2018-2022), as outlined below.

Where I have made reference to “staff”, where possible, could you please refine by job title or category e.g., firefighter, control room staff, corporate etc.

Q1. How many members of staff have been diagnosed by your occupational health service, or other such body, as suffering from PTSD as a result of their work in the fire service in the last five years? (yearly breakdowns if possible please)

Q2. How many days off work sick have staff taken in the last five years? (yearly breakdowns if possible please)

Q3. How many days off work sick have staff taken as a result of mental health issues in the last five years? (yearly breakdowns if possible please)

Q4. Of these, the number of staff who had an absence due to a) anxiety b) stress c) post-traumatic stress disorder and d) depression each year in the last five years.

Q5. How many members of staff have been retired on ill-health grounds as a result of mental health issues in the last five years? (yearly breakdowns if possible please)

Q6. In the last five years, how many members of staff have accessed the support or counselling services you offer? (yearly breakdowns if possible please)

I would like the above information to be provided to me electronically if possible in a Word Doc or Excel document.

If this request is too wide or unclear, I would be grateful if you could contact me on 07453645288or by email at yrwakefield1@sheffield.ac.uk as I understand that under the Act, you are required to advise and assist requesters.

If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

**The response is:**

Q. 2, 3 & 4. Please see the attached spreadsheet for details of the requested information.

[](https://humbersidefire.gov.uk/bscp/assets/edit/1659811-FOI-2023-094-Staff-sick-days-and-mental-health-1)

Q. 1 & 5. We are unable to supply a breakdown relating to staff groups for Q.1 and Q.5 as the disclosure of this data would breach Article 5 of the UK General Data Protection Regulations (GDPR). This is therefore exempt information under Section 40(2) of the Freedom of Information Act and this email constitutes a refusal notice relating to these two questions.

Section 40(2) states:

### *40        Personal information.*

*(1 ) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.*

*(2) Any information to which a request for information relates is also exempt information if—*

*(a) it constitutes personal data which does**not fall within subsection (1), and*

*(b) the first, second or third condition below is satisfied.*

*(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—*

1. *would contravene any of the data protection principles.*

 Whilst we appreciate that you were not asking for the names of individuals, the information relating to the staff groups involved is information which, in view of the low numbers involved, both relates to and identifies those concerned. This information therefore falls within the definition of ‘personal data’ in Article 4(1) of UK GDPR: *‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’).*

*Article 5(1)(a) requires the processing of personal data to be lawful, fair, and transparent and we therefore considered whether one of the lawful basis for processing the data under Article 6 applied in this case.*

*Article 6(1)(f) states:*

*1. Processing shall be lawful only if and to the extent that at least one of the following applies:*

*(f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.*

The only relevant lawful basis of legitimate interest (f) was considered, and the staff members interests, rights and freedoms were balanced against the legitimate interest.

In considering the application of Article 6(1)(f) of the UK GDPR we looked at the following three-part test:

i) Legitimate interest test - whether a legitimate interest is being pursued in the request for information

ii) Necessity test - whether disclosure of the information is necessary to meet the legitimate interest in question

iii) Balancing test - whether the above interests override the legitimate interest(s) or fundamental rights and freedoms of the data subject

i) We were satisfied that the request is a legitimate interest in the number of staff sick days and mental health within HFRS.

ii) The information provided meets the legitimate interest relating to the numbers of staff but not the legitimate interest in the staff groups involved.

iii) The balancing test was carried out to consider whether legitimate interest in relation to the staff groups involved was overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data. Our opinion is that it was overridden in view of the expectation of the data subjects that this information would remain confidential.

Further information on Section 40 of the Freedom of Information Act can be found [here](https://www.legislation.gov.uk/ukpga/2000/36/section/40).

Q. 6. We are unable to supply a breakdown relating to Q.6 as we do not hold this information.

If you are unhappy with the handling of your request, you have the right to ask for an internal review. A request for an internal review should be made within 40 working days of the date of this email. If you are not happy with the outcome of the internal review, you have the right to apply direct to the Information Commissioner. The address is: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

<https://ico.org.uk/>