

Eljamel scandal: NHS Tayside breached data protection rules over handling of patient's medical records

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NHS Tayside breached data protection rules over its handling of an Eljamel patient's medical records, a regulator has ruled.

Alan Ogilvie complained to the UK Information Commissioner's office after he was forced to wait more than four months for his data to be handed over.

The transparency regulator upheld his complaint and said the health board failed to respond to his subject access request in June 2023 within the legal timeframe.

Organisations are expected to reply to requests within one month – and should explain why any delays are necessary if this deadline cannot be met.

The Information Commissioner said Mr Ogilvie had to repeatedly chase up NHS Tayside for his records, since the health board failed to keep him updated.

In the ruling, they said: "It is our view that NHS Tayside has not complied with their data protection obligations.

“This is not within the legal timeframe therefore the organisation failed to fulfil their data protection rights obligations.



Disgraced surgeon Sam Eljamel.

“We have written to NHS Tayside about their information rights practices.

“We have told them they should consider this matter and learn from the concerns that have been upheld.”

Rogue neurosurgeon Sam Eljamel [harmed hundreds of patients and botched operations](#) while working in Dundee between 1995 and 2013.

NHS Tayside has been criticised by his victims for a lack of transparency [over its handling of the scandal](#), which is now [the subject of a public inquiry](#).

Mr Ogilvie, who was born in Angus and later moved to London, went under the knife for brain surgery in 1995.

He said the latest ruling showed why patients have so little faith in the health board.

‘NHS Tayside can’t respect former patients’

He told The Courier: “Myself and other patients have had concerns for a long time about accessing medical records that NHS Tayside has about us.

“NHS Tayside handles these sorts of requests in a seemingly informal way.

“Perhaps they could acknowledge they’ve received requests? Perhaps they’d give updates without having to constantly poke them?

“And perhaps they’d deliver the response before legally required deadlines go flying by.

“It’s again clear to me that NHS Tayside can’t even respect former patients – so how can I, or any other patient, be expected to respect them?”

In a separate case last year, the Information Commissioner ordered the General Medical Council – a top doctors’ watchdog – [to reveal details of complaints against Eljamel](#).

NHS Tayside apologised to Mr Ogilvie.

“As a result of Mr Ogilvie’s experience, we have implemented changes to our subject access request process to keep applicants fully updated on timescales for their requests,” a spokesperson said.