



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Press Release

For immediate release

Date: 1 August 2008

Names of work-related deaths to be released

Following a complaint under the Freedom of Information Act, the Information Commissioner's Office (ICO) has ordered the Health and Safety Executive (HSE) to disclose the names of individuals who have died in work-related incidents but only after the coroner's inquests had opened. The ICO also believes HSE should release similar information in the future but not more frequently than at monthly intervals.

In his [ruling](#), Deputy Information Commissioner, Graham Smith, identified a number of reasons to support his decision. Although the information requested is always made public when an inquest opens, it would require an individual to go to each area's coroner's office to access the information. In considering whether the information was reasonably accessible to the applicant the Deputy Information Commissioner noted that there are over 60 coroners' courts in the UK and it would be difficult to monitor each one individually. In addition, coroners' courts do not categorise deaths in a way that allows the public to ascertain which deaths are work-related and which are not, meaning that the information requested is not easily available. In the Deputy Information Commissioner's view, as the complainant only wanted to receive the information from HSE once the relevant inquest has been opened - and not before - it would be appropriate to release the information as it would already be in the public domain and held in suitable form by HSE. The public authority collates the information for use in its monthly reports.

The HSE argued that disclosure of the information would breach article 8 of the Human Rights Act, because releasing the information would breach the privacy of relatives of the deceased. The HSE made it clear that it only considers approaching the bereaved family about proactive media coverage to improve the understanding of the Health and Safety at Work Act. However, in reaching his decision the Deputy Information Commissioner stated that he would not expect the information to be disclosed until after family members had been informed of the death and the coroner's inquests had opened and that it would therefore not intrude on a family's right to privacy.

The ruling recognises the probability that HSE will receive more requests for the names of those who die at work in the future. The ICO has made clear that it would be reasonable for the HSE to provide the names of those who die at work, when requested, but only after the coroner's inquest opens and not more frequently than at monthly intervals.

For a copy of the decision notice, go to the [ICO website](#).

ENDS

If you need more information, please contact the Information Commissioner's press office on 020 7025 7580.

Notes to Editors

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. Paragraph 23 of the ruling notes that the Independent Police Complaints Commission and Press Complaints Commission protocol, current at the time of the request, says that a deceased person "shall be named" when he or she has been positively identified and the next of kin informed; the name will always become public when the inquest is officially opened. The protocol says that the Independent Police Complaints Commission, the Press Complaints Commissioner and investigators would resist families' natural tendency to want neither publicity nor the name to be given out.

3. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk