



IN THE MATTER OF AN APPEAL TO THE FIRST-TIER TRIBUNAL (INFORMATION RIGHTS) UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000

Appeal No: EA/2011/0292

BETWEEN:

MEDICINES AND HEALTHCARE PRODUCTS REGULATORY AGENCY

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

CONSENT ORDER APPROVAL

PURSUANT to Rule 37(1) of the Tribunal Procedure (First-tier) (General Regulatory Chamber) Rules 2009, the Tribunal approves the Consent Order in this matter in the form attached hereto, which has been agreed by all parties and dated 20th June 2012.

Signed:

[Signed on the original]

Andrew Bartlett QC

Tribunal Judge

Dated: 20 June 2012

IN THE FIRST-TIER TRIBUNAL (INFORMATION RIGHTS)

EA/2011/0292

BETWEEN:

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Appellant

And

THE INFORMATION COMMISSIONER

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CONSENT ORDER

Pursuant to rule 37(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, upon reading the parties' agreed statement (in Annex A),

IT IS ORDERED BY CONSENT THAT:

1. The appeal be allowed in part.
2. The Decision Notice under reference FS50374774 dated 9 November 2011 to be substituted in the terms set out in Annex B.
3. Within 28 days of the date of this order the Appellant to disclose the information as required by paragraphs 3 and 73 of the Decision Notice.
4. There be no order for costs.

Dated this twentieth day of June

ANNEX A

Statement of reasons for consent order

1. This appeal concerned the Respondent's Decision Notice FS50374774. That Notice sets out the terms of two information requests at paragraph 13. The Appellant relied upon the exemptions under sections 38 and 40 FOIA to withhold part of information it held.
2. In the said Decision Notice the Respondent decided that some of the information requested was exempt under sections 38, 40(2) and 41 FOIA. However, he ordered the disclosure of the information specified at paragraphs 3 and 73 of the Decision Notice.
3. The Appellant appealed against the Decision Notice by Notice of Appeal dated 7 December 2011.
4. One of the Appellant's grounds of appeal (paragraph 27) referred to an apparent omission from paragraph 67 of the Decision Notice in that 'patient identifier' information was defined as including the 'patient initials and their age' but not the patients' full names. .
5. In his Response to the appeal, the Respondent accepted (at footnote to paragraph 28) that this was a typographical error and that the Decision Notice should be amended accordingly.
6. The Appellant is prepared to withdraw the remainder of its appeal on that basis. For the avoidance of doubt, the Appellant acknowledges that this requires the information specified at paragraphs 3 and 73 of the Decision Notice to be disclosed to the requester, and it shall disclose this information within 28 days of the date of this order.

7. In view of all the circumstances and subject to the Tribunal's views, the parties jointly submit that it is appropriate for these proceedings to be concluded by way of consent order, and that it is appropriate for the Tribunal to consider their joint application without holding a hearing (as envisaged by rule 37(2)).

ANNEX B

1. At paragraph 67 of the Decision Notice insert after the word 'patient' in the first bullet point the word 'names,'. At paragraph 70 after the word 'patient' in the first sentence the word 'names,' be inserted. At paragraph 74 after the word 'patient' the word 'names,' be inserted.