

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 November 2022

Public Authority: Department of Health and Social Care
Address: 39 Victoria Street
London
SW1H 0EU

Decision (including any steps ordered)

1. The complainant has requested the Department of Health and Social Care (DHSC) disclose the internal assessments/reviews on the Covid pandemic. The DHSC refused to disclose the requested information citing section 35(1)(a) of FOIA.
2. During the Commissioner's investigation the DHSC confirmed that it was now willing to disclose the requested information to the complainant. But despite various communications the Commissioner was unable to get the DHSC to confirm when this would be done.
3. The Commissioner requires the DHSC to take the following steps to ensure compliance with the legislation.
 - Disclose the requested information to the complainant.
4. The DHSC must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 12 May 2021, the complainant made the following request for information:

"This is a request for information under the Freedom of Information Act.

A Huffington Post article (<https://www.huffingtonpost.co.uk/entry/l...>) states the following:

"The government has conducted a secret "lessons learned" review on the Covid pandemic but is refusing to publish it, Downing Street has admitted.

"Whitehall civil servants in the Department of Health and Social Care (DHSC) have conducted internal assessments of what went wrong to improve best practice, HuffPost UK has been told."

In light of this, please provide copies of internal assessments/reviews on the Covid pandemic."

6. The DHSC responded on 5 August 2021. It refused to disclose the requested information citing section 35(1)(a) of FOIA.
7. The complainant requested an internal review on 12 August 2021.
8. The DHSC carried out an internal review on 26 November 2021 and notified the complainant of its findings. It upheld its initial position.

Scope of the case

9. The complainant contacted the Commissioner on 9 December 2021 to complain about the way their request for information had been handled. They disputed the application of the exemption cited and felt the information should be disclosed.

Reasons for decision

10. At the time of the request the DHSC refused to disclose the requested information as it considered it related to the formulation and development of policy.
11. The Commissioner has received written confirmation from the DHSC that it is now willing to disclose the withheld information, as it no longer wishes to rely on section 35(1)(a) of FOIA. The document is prepared for release; it just requires ministerial approval which is proving difficult to obtain.
12. Considering the age of the request, the Commissioner considers it is now important to bring matters to a close and require the DHSC to

disclose the withheld information (as it has committed to do so in writing subject to final approval) within a specified timeframe.

13. The DHSC is therefore required to disclose the withheld information as specified in paragraphs 3 and 4 of this notice.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF