

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 September 2023

Public Authority: General Dental Council
Address: 37 Wimpole Street
London
W1G 8DQ

Decision (including any steps ordered)

1. The complainant has requested information regarding the General Dental Council's (GDC) contract with and services provided by GorkanaGroup. The GDC answered questions and provided information to the complainant who remained dissatisfied with the response to part (2) of the request, stating further information was held.
2. The Commissioner's decision is that the GDC has provided all the information it is required to that it holds within the scope of part (2) of the request and has complied with its obligations under section 1 of FOIA.

Request and response

3. On 22 October 2022, the complainant wrote to the GDC and requested information in the following terms (numbers added for ease of reference):

"I received your reply dated 21/10/2022 to my previous FOI dated 23/09/2022 regarding social media monitoring via GorkanaGroup.

Relating to your answer numbered 1, can you let me know the following:

You state that your CRM system has no informant set up named as GorkanaGroup.

(1) Does your CRM system have other informant type entries? If so, please name all of these. If you refuse to name them, please state why and give the number of entries.

(2) Relating to your answer numbered 2, You state that GorkanaGroup offer a service where, and I paraphrase, social media activity for individuals is gathered and provided to clients. Can you let me know the following?

Please provide a copy of the GDC contract with GorkanaGroup. I need to see the exact wording of said contract to understand the exact nature of the services specified by the GDC and those agreed to by GorkanaGroup. I am happy for names to be redacted if required.

(3) You state that the annualised cost excluding VAT for traditional media and social media monitoring was £8330 for GorkanaGroup. Please can you provide the following?

The original tender process for third party media (including traditional and social media) monitoring via third party services. Please specify the wording of said GDC tender, the short listed companies and the final selection process written documentation leading to the approval of the GorkanaGroup contract for services.

(4) Please let me know exactly how information from GorkanaGroup was provided to the GDC? By who, to who, how? Was this via regular written reports? If so, can I see redacted copies of all reports? If not, why not?

(5) If reports were not written, how were they provided?

(6) Does the GDC hold a record of all reports provided by GorkanaGroup? If not, why not?"

4. The GDC responded on 21 November 2022. For (1) it listed the informant types on its CRM system. For (2) the GDC stated it had made a mistake in its earlier response and it should have stated 'this is a service that they do **not** offer.' (my emphasis).
5. For (3) the GDC stated it did not hold the procurement documents as its retention period for unsuccessful bidders' quotations is 12 months after the award.
6. For (4) – (6) the GDC explained that GorkanaGroup provided information to the GDC by providing access to a live portal which listed instances GDC key words were mentioned. The GDC provided the

complainant with these search terms. It emphasised it had never had social media accounts of individuals monitored so held no reports of social media activity.

7. The complainant requested an internal review on 22 November 2022. The request focused on the response to (2) arguing that GorkanaGroup's website shows it does offer a service where individual's social media profiles are offered to clients. The complainant argued the position was contrary to an earlier stated position by the GDC. In addition the complainant asked the GDC:

"I would like details of your agreed contract for services with GorkanaGroup and ideally, I want to see the exact wording. Names can be redacted."

8. Following intervention by the Commissioner, the GDC responded and refused to provide the contract on the basis of section 43 of FOIA. The complainant and GDC corresponded further over several months. As a result the complainant stated that they would accept a redacted version of the contract with financial information removed.
9. On 19 July 2023, the GDC provided the complainant with a redacted version of the contract between itself and GorkanaGroup.

Scope of the case

10. The complainant contacted the Commissioner on 28 July 2023 to complain about the way their request for information had been handled.
11. The Commissioner asked the complainant to clarify what part of the response they remained dissatisfied with. The complainant stated they were satisfied now with having received the redacted copy of the contract but did not consider the GDC had adequately addressed the first part of (2).
12. The Commissioner considers that the scope of his investigation is to determine if there is any further information held by the GDC in relation to part (2) of the request.

Reasons for decision

13. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to them.

14. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).

15. The complainant argues the GDC has not fully responded to part (2) of the request. This asked:

“(2) Relating to your answer numbered 2, You state that GorkanaGroup offer a service where, and I paraphrase, social media activity for individuals is gathered and provided to clients. Can you let me know the following?”

Please provide a copy of the GDC contract with GorkanaGroup. I need to see the exact wording of said contract to understand the exact nature of the services specified by the GDC and those agreed to by GorkanaGroup. I am happy for names to be redacted if required.”

16. The complainant’s argument to the Commissioner was that:

“In the GDC first response, they said GokanaGroup did offer a social media service where individuals social media activity could be monitored and provided to clients. I have confirmed this via their website.

In their first response to me, the GDC confirmed they did offer this service but this wasn't up taken by the GDC.

In their subsequent response they apologised and said it was a service they didn't provide. (This is not true as their website confirms they do offer the service).

This, I want the GDC to tell me the truth.”

17. The Commissioner accepts that the request asks for a copy of the contract to understand the services provided and that, whilst the request is not entirely clear in asking the GDC to confirm the services provided (namely, if monitoring of social media accounts is a service offered by GorkanaGroup), the GDC has accepted this is what was intended by the first part of the request based on its subsequent responses to the complainant.

18. The GDC accepts it created some confusion here as there was a typographical error in a response sent on 21 October 2022 stating “this is a service that they do offer” but this was later corrected on 21 November 2022 to state “this is a service that they do not offer”. In

April 2023 the GDC reiterated that GorkanaGroup had not provided this service to the GDC and that it was not a service they offered.

19. The Commissioner appreciates the complainant does not believe this to be accurate as he has seen that this service is offered on Gorkana's website. However, this is not a matter for him to consider under FOIA. The issue at hand is whether there is recorded information held showing what services were provided, not what services could be provided.
20. The recorded information held by the GDC on this point is contained within the contract the GDC had with GorkanaGroup and this has been disclosed to the complainant with redactions, as agreed with the complainant, for financial information. The contract contains the information held on the services provided.
21. Based on the above, the Commissioner has determined that, on the balance of probabilities, the GDC holds no further information and has provided everything it holds falling within the scope of the request.
22. The Commissioner therefore finds that the GDC has complied with section 1 of the FOIA.

Right of appeal

23. 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

24. 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.

25. 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

**Jill Hulley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF**