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Ref: 227

18 November 2008

**By email to Alex Skene**

Dear Mr Skene

Thank you for your letter of 30 October 2008 requesting an Internal Review in accordance with the FOIA Section 45 Code of Practice on the following basis:

*Breach of FOIA Section 17 – a refusal notice has not been correctly provided stating which absolute or qualified exemption has been relied on, together with any relevant prejudice or public interest test.*

Mr Mike Salter, Head of Medicines Management and Pharmacy, has now completed the investigation and I am therefore writing to you to let you know the outcome. However, if you are dissatisfied with any aspect of this letter, please do not hesitate to contact Mr Salter on [mike.salter@lewishampct.nhs.uk](mailto:mike.salter@lewishampct.nhs.uk) or writing to him on the above address.

Your original Freedom of Information request asked for all background documents, advice etc. behind the decision to allow anti-malarial drug atovaquone/proguanil (Malarone) to be prescribed on the NHS in the Lewisham PCT area.

The decision to circulate guidelines to allow GPs to prescribe antimalarial prophylaxis on FP10 prescription form, where appropriate, was taken through Public Health due to the high rate of malaria that had occurred in Lambeth, Southwark and Lewisham. The guidance was originally issued by Lambeth, Southwark and Lewisham Health Authority (LSLHA) as part of an educational programme in 2001.

LSLHA is now a predecessor body and as such we are unable to access documentation relating to the exact nature of the deliberations. Lewisham PCT has inherited this policy.

A review of the guidelines are currently being undertaken across LSL led by Lambeth PCT and once complete the guidelines will need to be ratified by each PCT following their normal procedures. The draft document was not provided under Section 22 (a) of the Freedom of Information Act which states that:

Information is exempt information if -

- o (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- o (b) the information was already held with a view to such publication at the time when the request for information was made, and
- o (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

For your information attached are a letter and statement that had been sent to GPs that may help for background/supporting data.

If you feel that your complaint has not been dealt with properly, you can contact the Information Commissioner's Office for further advice or action:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Telephone: 01625 545700  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Yours sincerely



**Tracey Easton**  
**Director of Finance**  
**Lewisham Primary Care Trust**