

By email only
Mr D Rapp



23 April 2014

Dear Mr Rapp

I am writing in response to your email dated 26 February 2014 in which you requested we undertake a review of our handling of the above-mentioned information request.

Background: your original request

In your original request you sought:

‘...the registered name and GMC numbers for any and all doctors used as clinical advisors by the Health and Parliamentary Ombudsman.’

You subsequently also requested:

‘I would also like to extend the request to include details of their medical qualifications and what sort of clinical advisor they are (Psychiatry, GP, etc).’

Background: our original response

By email dated 26 February 2014 we provided you with a list which recorded the speciality and professional qualifications of our Internal Professional Advisers and Associates Advisers.

We explained, however, that it would not be fair to release the names or GMC numbers for “any and all doctors” used as clinical advisors by the PHSO. This was because:

‘...these members of staff do not operate in public-facing roles and therefore have a reasonable expectation of privacy. The names and GMC numbers of our clinical advisers is their personal data and consequently it is exempt information under section 40(2) of the Freedom of Information Act 2000. Section 40(2) is an absolute exemption, so there is no need to apply the public interest test.’

Your request for a review:

In your email dated 26 February 2014 you explained:

'I believe that their (sic.) is a public interest in receiving (sic.) this information and also that to withhold it is entirely unreasonable.

The GMC, who issues these numbers have clear guidance that they should be provided to ANYONE who asks for them. This is available on the GMC website.

Additionally I believe that if, as has already been determined, there is a public interest in knowing what qualifications are or are not held by a clinical advisor, it also would stand to reason that there is the same interest in knowing if they are or are not currently registered to practice medicine in the United Kingdom. A person may be qualified, but that alone does not indicate current medical competency that can only be verified through the GMC.'

I have noted the comments you have also made in seeking a review in your emails dated 8 March and 4 April 2014.

My Review:

Having reviewed this matter I can confirm that our analysis and application of the exemption contained within s40(2) FOIA 2000 was correct. I am therefore satisfied that we have fully met our obligations to you under information access legislation.

In your email of 26 February you identify a public interest in knowing whether our clinical advisers are 'currently registered' to practice medicine in the United Kingdom. I can confirm that all PHSO's clinical advisers are required to be registered with their relevant professional body. You will appreciate that given the wide range of cases dealt with by PHSO we draw our clinical advisers from across the medical disciplines, and current professional bodies represented include the General Medical Council (GMC), the General Dentistry Council (GDC) and the Nursing and Midwifery Council (NMC). I hope this clarification is helpful for you.

That concludes my review. If you consider that I have not dealt with your information request properly you can raise the matter with the Information Commissioner. He can be contacted at:

**The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5A**

Yours sincerely



Steve Brown

Head of Risk, Assurance and Programme Management Office