



Department of Health

Via Email to: request-198268-0375c7c1@whatdotheyknow.com

03/06/2014

FREEDOM OF INFORMATION ACT (FOIA): REQUEST FOR INTERNAL REVIEW (CASE REFERENCE: IR843237)

Dear Madam,

Thank you for your email dated 5 May in which you requested an Internal Review into the above mentioned request.

Chronology

You originally wrote to the Department of Health (DH) on 18 February 2014 with a Freedom of Information request. You requested the following information:

“Dear Department of Health,

Please provide details about the physical and chemical/metal/alloy properties of Mercury amalgam used by the NHS in 1996 as a restorative material in dental surgical procedures.

Please include data about NHS use of biocides as sealer's when mercury amalgam was used in 1996:

- 1. The name of manufacturer(s)*
- 2. The name of each substance in the product including the name of it's active substance and the amount of each substance as a percentage of the whole.*
- 3. The classification of the biocidal/heavy metal/alloy product.*
- 4. Particulars of any likely direct or indirect adverse side effects.*
- 5. Procedures to be followed and measures to be taken in the case of spillage or leakage of the biocidal product and the active substance contained in that biocidal product.*

Is the NHS currently using mercury amalgam as a restorative material for pulp cavity fillings.

Yours faithfully,

Granito”

DH replied to you on 13 March as follows:

“Section 8 of the Freedom of Information Act permits a public body to refuse a request for information if a valid name is not supplied with the request. Please note that future requests may be refused if you do not supply a full name.

I can confirm that the Department does not hold the information you have requested.

It is up to individual providers to ensure that the materials they use comply with all national standards and are fit for purpose. Dental amalgam is an acceptable material for use in NHS Dentistry; however, the dental regulations do not state the clinical situations where it can be used. The Department does not collect information on the use of dental amalgam as a restorative material for pulp cavity fillings.

However, you may wish to contact any relevant NHS authority directly.

Contact details for all NHS authorities can be found on the NHS Choices website:

<http://www.nhs.uk/nhsengland/thenhs/about/pages/authoritiesandtrusts.aspx>”

You subsequently wrote again on 5 May to request an Internal Review as follows:

“Dear Department of Health,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department of Health's handling of my FOI request:

'Mercury amalgam used by the NHS in 1996 as a restorative material in dental surgical procedures.'

[complaint of lack of accountability and responsibility by government agencies to behave transparently and honestly.]

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://www.whatdotheyknow.com/request/mercury_amalgam_used_by_the_nhs

Thank you for your time

Granito a concerned woman”

Following your request for an Internal Review, you wrote again on 5 May as follows:

“Dear Department of Health,

1. *It appears that nobody or any government agency has the information I requested nor is it collected and recorded. This is both shocking and disturbing.*

2. *So who or what is collecting data to find out how all these toxic materials and metals are impacting on public health & safety? For example the national register that is currently being set up by Dr Poulter & Jeremy Hunt to record instances where faulty breast implants have caused chronic ill health.*

Thank you for your time

Granito a women concerned."

The Review

DH has undertaken an Internal Review into the handling of your original request (DE00000843237).

In particular, the Department has reassessed whether it holds the information requested.

Having conducted a thorough search of the Department's records, I can again confirm that the Department does not hold the specific recorded information requested. As background, dental services are provided locally by independent contractors, and they will, as part of their contracts, be responsible for the safety of materials used. The Department is not aware that the information you have requested has ever been collated centrally.

However, considerate of our duty under Section 16(1) of the FOIA to advise and assist, the relevant policy unit has provided the following context to your request.

Guidance on the spillage of substances hazardous to health generally (not specifically biocidal products) is covered in the Health Technical Memorandum 01 05 which you may find helpful and can be found in the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170689/HTM_01-05_2013.pdf

Public Health England (PHE) and the Centre for Radiation, Chemical and Environmental Hazards (CRCE) carries out various research projects on the exposure and/or health effects of environmental chemicals in general which may include constituents of Dental amalgam. However, they are not currently monitoring specifically for any health effects of dental amalgam.

If you wish to contact them directly, details on how to do so can be found on the following website:

<https://www.gov.uk/government/organisations/public-health-england>

As made clear in the initial response to you, Section 8(1)(b) of the FOIA stipulates that an FOI request must state the name of the applicant. Although the Department strives to answer any and all FOI requests equitably, you may wish to take this on board in future correspondence with the Department, as not doing so may open you to challenge and may jeopardise future applications to the regulatory authority.

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

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

Yours sincerely,

Jamie Scott

Senior Casework Officer
Freedom of Information Team

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