

**Governance & Legal
Services**

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Mr George Jeson

By email only to: request-370916-cc3506c3@whatdotheyknow.com

17 January 2017

Dear Mr Jenson,

Request for information under the Freedom of Information Act 2000 ("the Act")

Further to your recent request for information held by King's College London, I am writing to confirm that some of the requested information is held by the university.

Your request

We received your information request on 15 November 2016 and have treated it as a request for information made under section 1(1) of the Act.

You requested the following information:

"Simone Wessley draws the analogy between a ship sailing between ports and a randomised controlled trial, he claims that the ships course/trial must be tweaked to obtain the desired port or outcome.

1- Provide information on King's College London's support, or otherwise, (eg policies and procedures/email correspondence etc), for Prof. Wessley's claim: that the alteration of a "randomised control" trial outcome, after the initial raw data, has been viewed, so that the desired outcome may be obtained, is acceptable scientific practice, at your univeristy.

2- Provide information on any review of the GET program, described in the PACE trial manual, by the University's expert exercise physiologists.

3- The first tribunal court found that the claims of harrassment, by PACE authors, were unfounded and unsupported and related to one heckler at a public meeting.

Have any claims of harrassment and or allegations of threats against King's College London staff, ever been substantiated?

4- Provide information on King's College London position in relation to the design, development, implemenation, and outcome reporting on the PACE trial, its investigators and vocal supporters such as Prof. Simon Wessley."

Our response

Firstly, please accept my apologies for the delay in responding to your request for information. This is due to unforeseen staffing issues and sincerely apologise for any inconvenience this may have caused.

Please find the university's response to your information request below.

1- Provide information on King's College London's support, or otherwise, (eg policies and proceedings/email correspondence etc), for Prof. Wessley's claim: that the alteration of a "randomised control" trial outcome, after the initial raw data, has been viewed, so that the desired outcome may be obtained, is acceptable scientific practice, at your univeristy.

I can confirm that the King's College London does not hold the information that you have requested. To establish whether the information was held we conducted a thorough search with the PACE Trial team at King's. They have confirmed that the requested information is not held.

If the information was held by King's it would be held in the above mentioned areas. It may help if I clarify that the information being requested is not held by the university because there is no legal or business requirement for King's to do so.

Please be advised that the Act does not oblige a public authority to create information to answer a request if the requested information is not held. It does not place a duty upon public authorities to answer a question unless recorded information exists.

2- Provide information on any review of the GET program, described in the PACE trial manual, by the University's expert exercise physiologists.

I can confirm that the King's College London does not hold the information that you have requested. To establish whether the information was held we conducted a thorough search with the PACE Trial team at King's. They have confirmed that the requested information is not held.

3- The first tribunal court found that the claims of harrassment, by PACE authors, were unfounded and unsupported and related to one heckler at a public meeting.

Have any claims of harassment and or allegations of threats against King's College London staff, ever been substantiated?

The above information is exempt from disclosure as the university considers the information to constitute the personal information of third parties. This is because any substantiated claim of harassment and/or threats against staff will identify named individuals.

We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 (DPA). In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40(2) is engaged.

The terms of this exemption in the Act mean that we do not have to consider whether or not it would be in the public interest to release the information.

The university is also not obliged, under section 38(1) of the Act, to provide information that would, or would be likely to, endanger the physical or mental health or the safety of an individual. In this instance we believe that release of this information would be likely to endanger the both the physical or mental health and the safety of a member of King's staff. Therefore section 38(1)(a) and section 38(1)(b) are engaged.

In line with the terms of this exemption, we have considered whether it would be in the public interest to provide the information, despite the exemption being engaged.

The university accepts that there is some public interest in the PACE Trial and that releasing the information would be in line with our open and transparent agenda. However, releasing details of substantiated claims of harassments and threats against members of staff and any measures taken to protect them against said threats would be likely to endanger their safety as this may compromise said these measures. Any danger to their safety is also likely to endanger their mental health through fear that the measures put in place will no longer be adequate to protect them.

Having considered the arguments both for and against disclosure of the requested information, we have considered that the public interest favours withholding the information requested.

4- Provide information on King's College London position in relation to the design, development, implementation, and outcome reporting on the PACE trial, its investigators and vocal supporters such as Prof. Simon Wessley."

I can confirm that the King's College London does not hold the information that you have requested. To establish whether the information was held we conducted a thorough search with the PACE Trial team and the External Relations department at King's. They have confirmed that the requested information is not held.

This completes the university's response to your information request.

Your right to complain

If you are unhappy with the service you have received in relation to your information request or feel that it has not been properly handled you have the right to complain or request a review of our decision by contacting the Head of Information Management and Compliance within 60 days of the date of this letter.

Further information about our internal complaints procedure is available at the link below:

http://www.kcl.ac.uk/college/policyzone/assets/files/governance_and_legal/Freedom_of_Information_Policy_updated_Oct_%202011.pdf

In the event that you are not content with the outcome of your complaint you may apply to the Information Commissioner for a decision. Generally the Information Commissioner cannot make a decision unless you have exhausted the internal complaints procedure provided by King's College London.

The Information Commissioner can be contacted at the following address:

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

Yours sincerely



Ben Daley
Information Compliance Manager