



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Mr David Dinsmore
[request-672642-](#)
ae7ca6cb@whatdotheyknow.com

27 August 2020

Annex A: DHSC's response to initial request dated 23 July 2020
Annex B: Request for internal review dated 23 July 2020

Dear Mr Dinsmore,

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1236130

You originally wrote to the Department of Health and Social Care (DHSC) on 25 June requesting information about COVID-19 testing. We responded to you on 23 July (our ref: FOI-1236130), withholding the information under section 22 of the FOIA (information intended for future publication). A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 23 July requesting an internal review into the handling of your original request. A copy of your email is at Annex B.

The purpose of an internal review is to assess how your FOI request was handled in the first instance and to determine whether the decision given to you was correct. This is an independent review as I was not involved in the original decision. I apologise for the delay in responding.

I have undertaken discussions with the team that has responsibility for your request, and we have taken the opportunity to consider it again.

Application of section 22

Information is exempt under the FOIA if, at the time when the public authority receives a request for it:

- the public authority holds the requested information;
- the public authority intends the information to be published at some future date, whether that date is determined or not; and
- in all the circumstances it is reasonable to withhold the information until its planned publication.

The Department asserts that all the criteria have been met.

Conclusion

After careful consideration, I have concluded that the response you received as part of your FOI request was compliant with the requirements of the FOIA and I uphold DHSC's decision to withhold the requested information under section 22. The Department has not yet determined the date on which the information will be published but it fully intends to do so.

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. The ICO can be contacted at:

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

<https://ico.org.uk/concerns>

Yours sincerely,

Charlene Carter
Casework Manager
Freedom of Information Team
FreedomofInformation@dhsc.gov.uk

Annex A: DHSC's response to initial request

Mr David Dinsmore
request-672642-ae7ca6cb@whatdotheyknow.com

23 July 2020

Dear Mr Dinsmore,

Freedom of Information Request Reference FOI 1236130

Thank you for your request dated 25 June 2020 in which you asked the Department of Health and Social Care (DHSC):

Subject: Freedom of Information request - Analysis of Pillar 2 tests sent out per day - delivered and outcomes

Please provide a CSV containing the following information, per day:

- * Number of Pillar 2 tests sent out delivered
- * Number of Pillar 2 tests sent out reporting a positive result
- * Number of Pillar 2 tests sent out reporting a negative result
- * Number of Pillar 2 tests sent out reporting an unclear, void, borderline or inconclusive result

To be clear, I do not want data from Pillar 2 In-person testing, only tests sent out - e.g. posted home swab testing kits.

If DHSC does not have this data please advise by return with a contact for the agency that does.

Your request has been handled under the Freedom of Information Act (FOIA).

DHSC holds this information. However, as we will be publishing it at a future date, we are withholding it under section 22 of the FOIA (information to be published).

Section 22 is a qualified exemption, and we are required to assess as objectively as possible whether the balance of public interest favours disclosing or withholding the information. We recognise the general public interest in this data, and that disclosure leads to greater transparency in government. However, there is also a very strong public interest in ensuring that information is made available to everyone at the same time, thereby ensuring equity of access. For this reason, we have concluded that the public interest in withholding this information outweighs that in its release.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for a n internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

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

<https://ico.org.uk/concerns/>

Annex B: Request for internal review

From: David Dinsmore request-672642-ae7ca6cb@whatdotheyknow.com
Sent: 23 July 2020 22:33
To: FreedomofInformation freedomofinformation@dhsc.gov.uk
Subject: Internal review of Freedom of Information request - Analysis of Pillar 2 tests sent out per day - delivered and outcomes

Dear Department of Health and Social Care,

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 and Social Care's handling of my FOI request 'Analysis of Pillar 2 tests sent out per day - delivered and outcomes'.

I am writing to request an internal review of Department of Health and Social Care's handling of my FOI request 'Coronavirus testing results by time taken to analyse, per pillar'.

You state that Section 22 is a qualified exemption, and we are required to assess as objectively as possible whether the balance of public interest favours disclosing or withholding the information.

We recognise the general public interest in this data, and that disclosure leads to greater transparency in government. However, there is also a very strong public interest in ensuring that information is made available to everyone at the same time, thereby ensuring equity of access. For this reason, we have concluded that the public interest in withholding this information outweighs that in its release.

You acknowledge there is general public interest in this data, and that disclosure leads to greater transparency in government. It is therefore frankly ridiculous to decide that withholding all information from a publicly accessible resource (whatdotheyknow) improves equity of access.

I therefore require you to publish the data as requested.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/analysis_of_pillar_2_tests_sent

Yours faithfully,
David Dinsmore