

16 August 2021
Our ref: IR1-3138763181

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J Roberts

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Dear J Roberts

Information request review

Thank you for your request for an internal review of Mrs Abdy's FOI refusal response sent on 13 July 2021. I'm sorry for the delay in responding to you.

Chronology

Your original request sent by email on 4 May 2021 sought the following information:

- 1. I would like a copy of the MPT determination relating to Dr X. My understanding is that the anonymity granted to him should not render unavailable to the public a redacted version of the MPT determination.*
- 2. How many doctors during 2019/20 were granted anonymity by the MPT?*

Christine Abdy responded to your request on 13 July 2021. She cited the exemption at Section 44(1)(c) FOIA as the justification for not providing the requested MPT determination to you. Further, she confirmed that no other doctors were granted anonymity during 2019/20.

My review

In your email sent on 14 July 2021 requesting an internal review you stated as follows:

'The judgment concerning 'X' handed down by Mr Justice Soole protects the defendant's identity yet is publicly available:

GMC v X [2019] EWHC 493 (Admin) ANONYMISATION APPLIES

https://clicktime.symantec.com/3QrFdz3gEGrp2vGvdFajrZ46H2?u=https%3A%2F%2Foldsquare.co.uk%2Fwp-content%2Fuploads%2Fattachments%2F2019_ewhc_493_GMC_v_Dr_X.pdf

It is therefore possible to publish something about someone whilst simultaneously protecting the identity of the individual concerned.

I contend that you have mistaken 'anonymisation' to mean a 'blanket ban' on publication. If I could see the court order you refer to I may, however, be convinced otherwise.'

I have now considered this matter. I acknowledge that there are references to the contents of the determination within the judgment handed down by Mr Justice Soole. However the terms of the court order (which I am unable to share with you) preclude us from publication or disclosure of even an anonymised version of the determination. Any disclosure outside the strict terms of this order would amount to a contempt of court. I am therefore satisfied that the exemption applied by Mrs Abdy was both accurate and appropriately applied.

Further action

Specifically in relation to the FOIA refusal you do, as you are aware, have a further right of complaint to the Information Commissioner's Office. Their contact details can be found on their website at: <https://ico.org.uk/>

Yours sincerely

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