

17 October 2022

Dear T Sanderson,

### **Internal review of decision regarding FOI 3415**

Our Reference: FOI/2021/3415

I am writing to you in response to your request for an internal review of the decision regarding your Freedom of Information (FOI) request. Please accept our apologies for the delay in our response to you.

Your request and our response are published on our website.<sup>1</sup> In your original request, you asked us for the proportion of the population testing positive by anti-SARS-CoV-2-nucleocapsid assay, as a time course since we began collecting these data in March 2021.

Our response stated that we had the intention to publish the requested information in the future, and therefore that a Section 22(1) exemption applied to this information.

We then stated that data on levels of nucleocapsid antigens from the start of the COVID-19 Infection Survey was available via a link to a paper by our academic partner.

As per your request for internal review, I have assessed how your request has been handled, in particular, our application of a Section 22(1) exemption.

### **Section 22(1)**

We have found that our application of a Section 22(1) exemption was applied correctly. At the time we received your request, the team were already working on exploratory analysis that would have fulfilled the request and they had intended to publish this research in the future once complete.

Following this exploratory phase of research, our COVID-19 Infection Survey Team made the decision not to publish. Their statement is as follows:

After consultation with our stakeholders from the scientific community, we decided not to proceed. Although antibodies do occur and help to protect against COVID-19 as a result of infection and vaccinations, these antibodies wane over time and at different rates. This makes the process of comparing the different antibodies complex. Further, the body also gains protection from COVID-19 through a range of mechanisms (for example, T-cells), which we do not test for. Without collecting

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<https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/proportionofthegeneralpopulationtestingpositivebyantisarscov2andnucleocapsidantigens>

such data, we do not believe results on natural immunity can be produced. We work closely with the National Core Study for Immunity and will continue to explore how the CIS can best respond to questions relating to antibodies.

When preparing for the publication of statistical outputs, we have to consider whether the timetable for publication provides an appropriate amount of time to make all the necessary preparations to produce official statistics. One of the pillars of the Code of Practice for Official Statistics is assured quality. Producers of statistics and data should explain clearly how they assure themselves that statistics are accurate, reliable, coherent, and timely. They must also meet user needs and be proportionate on balance with the concept of serving the public good, not just interest. This concept is enshrined throughout the Code of Practice and is part of our statutory functions as outlined in the Statistics and Registration Service Act 2007. We understand that there is a wider public interest in the data requested. However, we felt that on balance that disclosing this information, at a point within our research where quality and accuracy could not be assured, would have a negative effect on public understanding and policy and would prejudice the principles of official statistics and undermine our statutory functions.

These are the considerations we take when deciding whether or not to disclose information prior to a planned publication.

### **Advice and Assistance**

Also, with regards to our statement that data on levels of nucleocapsid antigens from the start of the COVID-19 Infection Survey we would like to apologise. You have correctly stated that the information we said was included, which may be of use to you, was not in fact in our academic partner's paper. Our published response to your request has now been updated with correct information.

### **Conclusions**

I have found that our original conclusion that our application of a Section 22(1) exemption was correct and has been upheld.

If you are unhappy with the outcome of this review, you have the right to appeal to the Information Commissioner. They can be contacted by writing to:

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

Yours faithfully,

Steph Turner

Legal Services

On behalf of:

Robert Bumpstead

Deputy Director - Central Policy Secretariat, UK Statistics Authority