



## 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](http://www.gov.uk/dhsc)

A.E.  
[request-433337-c006b537@whatdotheyknow.com](mailto:request-433337-c006b537@whatdotheyknow.com)

3 April March 2018

Annex A: DHSC response to initial request 16 October 2017  
Annex B: Request for internal review dated 28 October 2017

Dear A.E.

### **FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1098994**

You originally wrote to the Department of Health and Social Care (DHSC) on 22 September 2017 requesting information relating to a Read Code for Autism.

We responded to you on 16 October 2017 (Ref FOI 1098994) explaining that under Section 8(1)(b) of the FOIA we were not obliged to process your request because you had not provided your full name. A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 28 October 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 original decision given to you was correct. This is an independent review as I was not involved in the original decision.

I would like to apologise sincerely for the length of time it has taken to provide you with this response, which I recognise has fallen short of expectations.

I have taken the opportunity to reconsider your request and its previous handling. I have decided to uphold DHSC's position in not processing your request under Section 8(1)(b) of the FOIA. Section 8(1)(b) requires that a request for information must include the real name of the requester. As you cannot be identified from the name provided because you have only used initials, your request does not meet the requirements of section 8(1)(b) and is technically invalid.

For further information, you can refer to the Information Commissioner's Office (ICO) guidance at:

<https://ico.org.uk/media/for-organisations/documents/1043418/consideration-of-the-identity-or-motives-of-the-applicant.pdf>

<https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf>

### **Conclusion**

After careful consideration I have concluded that the response you received to your FOI request was compliant with the requirements of the FOIA.

The review is now complete.

If you are not content with the outcome of this review, you may apply directly to the 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

James Shewbridge  
Casework Manager  
[FreedomOfInformation@dh.gsi.gov.uk](mailto:FreedomOfInformation@dh.gsi.gov.uk)

## Annex A

16 October 2017

Dear Sir/Madam,

### Freedom of Information Request Reference FOI-1098994

Thank you for your request dated 22 September in which you asked the Department of Health (DH):

*"Dear Department of Health,  
in the Think Autism strategy update document  
([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/299866/Autism\\_Strategy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299866/Autism_Strategy.pdf)) the DoH states:  
8.6 DH will work with NHS England and with the Royal College of General Practitioners (RCGP) through their autism clinical priority programme which runs from April 2014 to 2017 to look at the feasibility of introducing a Read Code for Autism.*

*Can you confirm if this feasibility study has been completed, what the outcome was and what the Read Code for autism spectrum disorder is that GPs should use, if one has been formulated. If there are any documents detailing discussion of this matter please link me to them. "*

Please note, under section 8(1) of FOIA, a request for information must comply with three requirements. It must:

- (a) be in writing,
- (b) state the name of the applicant and an address for correspondence, and
- (c) describes the information requested.

After initial consideration, this request appears to comply with requirements (a) and (c) but it does not comply with requirement (b) because you have not provided your full name. As your request is not valid under FOIA, I am not obliged to process your request. I would like to take this opportunity to recommend that any future FOI submissions adhere to Section 8 of the FOIA.

To enable us to meet your request, please resubmit your application including your real name. This should normally include your first name or a title (e.g. Miss or Dr) as well as your surname.

We will consider your resubmitted request upon receipt as long as it meets the requirements stated above. You will then receive a response from us within the statutory timescale of 20 working days.

Please be aware that we cannot guarantee at this stage that a clarified request will fall within the FOIA cost limit, or that other exemptions will not apply.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the address at the top of this letter, or the email address at the end of this letter.

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

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner (ICO) who may decide to investigate your concerns.

Generally, the ICO cannot make a decision unless you have already appealed our original response, and received our internal review response. The ICO will not usually investigate concerns where there has been an undue delay in bringing it to their attention. You should raise your concerns with them 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/>

Yours faithfully,

Edward Franklyn  
Freedom of Information Officer  
[FreedomOfInformation@dh.gsi.gov.uk](mailto:FreedomOfInformation@dh.gsi.gov.uk)

## **Annex B**

A.E. 28 October 2017

Dear FreedomofInformation,

thank you for your reply, however I am unclear as to the reason for your refusal to respond to the FOIA, bearing in mind that failing to do so (as before stated and requoted below) this means the DoH is failing to adhere to good practice as stated in the same Act which you cite:

"Technically, you must use your real name for your request to be a valid Freedom of Information request in law. See this guidance from the Information Commissioner (October 2007). However, the same guidance also says it is good practice for the public authority to still consider a request made using an obvious pseudonym. You should refer to this if a public authority refuses a request because you used a pseudonym."

This account has been used to request FOIs from a variety of bodies and they have responded without issue, so I am unclear why you have responded this way. The DoH themselves has previously replied to this account, which makes your response even stranger  
<https://www.whatdotheyknow.com/request/t...>

Perhaps you could also explain why you have refused to respond also, when you have previously responded to this account before?

Yours sincerely,

A.E.