



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

Ms Amanda Hart
request-727882-370951bd@whatdotheyknow.com

24 August 2021

Annex A: DHSC response to initial request dated 17 June 2021
Annex B: Request for internal review dated 21 June 2021

Dear Ms Hart,

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1306043

You originally wrote to the Department of Health and Social Care (DHSC) on 16 February 2021 requesting information relating to the COVID-19 action plan for January 2021. We responded to you on 17 June (Ref FOI-1306043) stating that the information could not be released under section 12(1) – (Exemption where cost of compliance exceeds appropriate limit). A copy of our response, including the full text of your request is at Annex A.

You subsequently emailed DHSC on 21 June 2021 which we have taken as a request for 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 apologise for the delay in the response.

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.

Your request concerned the period January 2021. The amount of materials that would have to be reviewed to see if the information is held for that period, would amount to approximately 5,000 files. This would comfortably breach the FOI cost limit of £600. In addition, you were provided with assistance on how you could narrow your request to come under this limit. As such, I am content that the FOIA was applied correctly.

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. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

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

Yours sincerely,

Ed Franklyn
Team Leader, FOI Internal Reviews
E freedomofinformation@dhsc.gov.uk

Annex A: DHSC response to initial request

Ms Amanda Hart
request-727882-370951bd@whatdotheyknow.com
17 June 2021

Dear Ms Hart,
Freedom of Information Request Reference FOI-1306043

Thank you for your request dated 16 February, in which you asked the Department of Health and Social Care (DHSC):

“From files and records please kindly provide documents showing your Covid-19 action plan/ action taken against Covid-19 by your department from 1st January 2020 to 31st January 2020.”

Your request has been handled under the Freedom of Information Act (FOIA). Please accept my apologies for the delay in our response.

DHSC holds information relevant to your request. However, to comply with your request as it is currently framed would exceed the cost limit as set out in section 12(1) of the FOIA. Section 12(1) states that a public authority can refuse a request if complying with it would exceed the appropriate limit of £600 (which represents 24 working hours). This represents the estimated cost of one person spending this time in determining where the information is held and locating, retrieving and extracting the information.

It may help if I explain that in order to comply with your request, we would be required to read through, determine the relevance of and extract information from a large number of files. In this instance, we would have to contact a number of different teams within DHSC, and search over 5000 files to determine their relevance. We therefore consider that locating and extracting the full extent of the information within scope of your request would exceed the section 12 cost limit.

You may wish to refine your request for information by reducing the timeframe you have given. You may also wish to specify a particular topic or area of response to further reduce the scope of your request. However, we cannot guarantee that Section 12, or any other exemptions, will not apply to a reframed request.

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 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/>

Yours sincerely,

Annex B: Request for internal review

From: Amanda Hart <request-727882-370951bd@whatdotheyknow.com>

Sent: 22 June 2021 13:01

To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>

Subject: Internal review of Freedom of Information request - DHSC Covid-19 action plan - January 2020

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 'DHSC Covid-19 action plan - January 2020'. Ref FOI-1306043, IC-101680-Y2P3.

The law is clear that extra time may only be requested for the purposes of deciding if it's in the public interest to release the information. The matter of whether the information requested would exceed costs MUST be decided within the initial 20 working days. Clearly you have not complied with the Act.

While it is reasonable for some Freedom of Information requests to be denied on costs grounds, it does not apply to a request for an action plan which by its very nature will exist in one file because it was created by key officials out of government policy rather than the cleaner's mother and the porter's friends wife's brother as it were.

While it may be reasonable for sections of such a plan to be subsequently copied and split up for separate groups to follow it would certainly still exist in a primary and centrally-held place.

Your implication that parts of this action plan are stored all over with the left hand not knowing what the right hand is doing is frankly not in keeping with a publicly-funded government department that is expected to keep its key records in a readily accessible state. If yours are not then this would put you in breach of the Public Records Act since an 'action plan' most certainly qualifies as 'key records'.

We still require the requested information.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/dhsc_covid_19_action_plan_januar

Yours faithfully,

Amanda Hart
for Stop UK lies and Corruption.