



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
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www.gov.uk/dhsc

Name: Ms Daisy Cooper

Email: <mailto:request-503379-409e7bdf@whatdotheyknow.com>

Date: 25 September 2018

Dear Ms Cooper

Freedom of Information Request Reference FOI-1143196

Thank you for your request of 30 July 2018 to the Department of Health and Social Care (DHSC), the deadline of which we extended to consider the public interest test. Your exact request was:

Please make available a complete list of all generic and brand names of medicines that have been listed for stockpiling in the event of no deal Brexit.

Specifically, I would like the information to be provided as a spreadsheet containing the following information:

- 1. Generic or brand name of the drug***
- 2. Active ingredient(s)***
- 3. Chemical class or family***
- 4. Medical conditions for which these drugs are commonly prescribed***

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

I can confirm that the Department holds information relevant to your request.

We consider the information requested is exempt under the following sections of FOIA;

- Section 43 – commercial interests
- Section 27(1)(c)(d) – prejudice the interests of the United Kingdom abroad, or the promotion or protection by the United Kingdom of its interests abroad
- Section 35 (1)(a)- formulation or development of government policy

Section 43:

Information is exempt under Section 43 if disclosure would, or would be likely to, prejudice the commercial interests of any entity, including the public authority holding the information.

Section 43 is a qualified exemption and its application is subject to a public interest assessment. In this case, we recognise that there is a public interest in promoting transparency and openness in the way that public authorities operate through the releases of information and the Department has considered the public interest there may be in disclosure. However, sharing information that might prejudice the commercial interests of a third party could impact on DHSC's relations with that party. It might also have a wider impact on relations with similar parties, for example vaccine manufacturers where procurement and provision of vaccines is vital. This outweighs the public interest there may be in disclosure.

Section 27:

Information is exempt under section 27(1)(c)(d) if disclosure would, or would be likely to prejudice the interests of the United Kingdom abroad and or the promotion or protection by the United Kingdom of its interests abroad. Section 27(1) is a qualified exemption, and we are required to assess whether the balance of public interest favours disclosing or withholding the information.

DHSC recognises that there is a strong public interest in information being made as freely available as possible, allowing the general public to understand decisions made by public authorities which affect their lives.

The Department has considered the public interest in maintaining that the exemption outweighs the public interest in its disclosure. In other words, the harm likely to be caused to the UK interests or the promotion of UK interests abroad. It has been concluded that release of the report would harm such activities.

Section 35:

Section 35 (1)(a) provides protection for information that relates to the formulation or development of government policy.

Section 35 is a qualified exemption and requires consideration of the public interest test. The Department recognises the public interest in making this information available for the sake of greater transparency and openness.

However, the Department takes the view that the section 35 exemption is intended to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options. Policy development in this instance is the formulation and development of contingency measures in the event of a 'No-Deal' in Brexit negotiations.

Civil servants and subject experts need to be able to engage in the free and frank discussion of all the policy options internally, to expose their merits and demerits and their possible implications as appropriate. Their candour in doing so will be affected by their assessment of whether the content of such discussion will be disclosed in the near future. Premature disclosure of information protected under section 35 could prejudice effective policy formulation and development regarding our exit from the EU. We feel that the public interest would be better served by protecting effective policy making as we continue to negotiate our exit from the EU.

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 SK9 5AF

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

Yours sincerely,

Dorothy Crowe

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