



C Hacking

By email to: request-843449-f4e57112@whatdotheyknow.com

01 April 2022

Annex A: DHSC response to initial request dated 17 March 2022

Annex B: Request for internal review dated 18 March 2022

Dear Mr C Hacking,

FREEDOM OF INFORMATION ACT 2000 (FOIA): INTERNAL REVIEW

CASE REFERENCE: IR-1398849 (FOI-1397896)

You originally wrote to the Department of Health and Social Care (DHSC) on 11 March 2022. We responded to you on 17 March 2022 (our ref: FOI-1397896). A copy of our response, including the full text of your request, can be found in Annex A.

You subsequently emailed DHSC on 18 March 2022 requesting an internal review into the handling of your original request. A copy of your email can be found in 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.

In respect of the matter of refinement, our previous response stated we may be able to answer 'a' refined request; this does not mean multiple requests as you submitted. The way you have submitted your refined request amounts to asking for the same information broken down into numerous individual requests and therefore my colleague was correct in applying the aggregation ruling. Unfortunately, we are unable to select on your behalf what information to consider releasing and would suggest that, if you still require information, you submit one request with refined criteria. Please note, by heavily reducing the scope of the search, it will provide a better chance of our being able to release the requisite information.

The sentence, '*Please note that the Department is not obliged to respond to further requests on this topic sent in within the next 60 working days*' is incorrect in context of your enquiry and I can only apologise for this error. My colleague was attempting to be helpful by reiterating the point made earlier in the reply regarding conditions of aggregation (received by the public authority within any period of 60 consecutive working days). Whilst the calculation was incorrect, the principle of being able to aggregate your requests on the same subject was correct.

Notwithstanding the above, should you wish to submit one heavily refined request it would be considered for reply although, as mentioned in our reply of 8 March (FOI-1393812) we cannot guarantee that it would fall within the FOIA cost limit, or that other exemptions will not apply.

Conclusion

After careful consideration, despite the error regarding the 60-day period, 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 your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by DHSC.

The ICO can be contacted at:

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

Website: <https://ico.org.uk/make-a-complaint/>

Yours sincerely,

Dominic Stanton
FOI Internal Reviews
freedomofinformation@dhsc.gov.uk

Annex A: DHSC response to initial request dated 17 March 2022

Mr Christian Hacking

By email: request-843451-90f5r6b44@whatdotheyknow.com

17 March 2022

Dear Mr Hacking,

Freedom of Information Request Reference FOI-1397893, FOI-1397894, FOI-1397895, FOI-1397896, FOI-1397897, FOI-1397898, FOI-1397900, FOI-1397901 and FOI-1397902

Thank you for your requests dated 11 March, which I have attached in Annex A.

Your requests have been handled under the Freedom of Information Act 2000 (FOIA).

To provide the information as the requests are currently framed would exceed the appropriate cost limit as set out in the FOIA.

Section 12(1) of the FOIA provides that public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. Paragraph 1, Schedule 1, Part 1 of the FOIA and regulation 3 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations) set the appropriate limit for the DHSC at £600.

Where two or more requests for the same or similar information are made to a public authority within a period of sixty working days, regulation 5(1) and (2) of the Regulations allows that public authority to aggregate those requests.

The Information Commissioner's Office (ICO) advises that when a public authority is estimating whether the appropriate cost limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in regulation 11 of the Regulations can be satisfied.

Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Regulations requires that the requests which are to be aggregated relate “to any extent” to the same or similar information. This can be applied where there is an overarching theme or common thread running between the requests in terms of the nature of the information that has been requested.

DHSC believes that all nine of your requests were a repeat of your previous request, broken down into nine new requests. The Department therefore asserts that all the criteria set out by the Regulations have been met.

Although we cannot answer your requests at the moment, we may, however, be able to answer a refined request within the cost limit. You may wish to consider, for example selecting one topic, one or two organisations and a shorter time frame.

Please note that the Department is not obliged to respond to further requests on this topic sent in within the next 60 working days.

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,

Jane Spencer

Freedom of Information Officer

FreedomOfInformation@dhsc.gov.uk

Annex A

FOI-1397893

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges between 8-15th Jan

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 8-15th Jan. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

You may redact names and other personal data of lower-ranking civil servants only. If possible please do not redact names of any heads of staff in either institution.

FOI-1397894

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 12th Feb 2022

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 7th Feb 2022. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

You may redact names and other personal data of lower-ranking civil servants only. If possible please do not redact names of any heads of staff in either institution.

FOI-1397895

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 9th Feb 2022

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 7th Feb 2022. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

You may redact names and other personal data of lower-ranking civil servants only. If possible please do not redact names of any heads of staff in either institution.

FOI-1397896

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 11th Feb 2022

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 7th Feb 2022. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

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FOI-1397897

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 14th Feb 2022

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 7th Feb 2022. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

You may redact names and other personal data of lower-ranking civil servants only. If possible please do not redact names of any heads of staff in either institution.

FOI-1397898

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 14th Feb 2022

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 7th Feb 2022. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

You may redact names and other personal data of lower-ranking civil servants only. If possible please do not redact names of any heads of staff in either institution.

FOI-1397900

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 13th Feb 2022

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 7th Feb 2022. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

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FOI-1397901

Dear Department of Health and Social Care,

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 10th Feb 2022

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 7th Feb 2022. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

You may redact names and other personal data of lower-ranking civil servants only. If possible please do not redact names of any heads of staff in either institution.

FOI-1397902

RE:Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 7th Feb 2022

Following on from FOI request -1393812

Please can I request all correspondences between the DHSC and abortion providers on the 7th Feb 2022. These should include:

-Abortion Providers (BPAS, British Pregnancy Advisory Service, Marie Stopes UK, Marie Stopes, NUPAS, National Unplanned Pregnancy Advisory Service) -Royal Colleges (Eg. The Royal College of Gynaecologists and Obstetricians, Royal College of Midwives) -Any other relevant organisation

You may redact names and other personal data of lower-ranking civil servants only. If possible please do not redact names of any heads of staff in either institution.

Annex B: Request for internal review dated 18 March 2022

From: Christian Hacking <request-843449-f4e57112@whatdotheyknow.com>
Sent: 18 March 2022 10:05
To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>
Subject: Internal review of Freedom of Information request - Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 9th Feb 2022

[You don't often get email from request-843449-f4e57112@whatdotheyknow.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

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 'Email Correspondence between DHSC and Abortion Providers and Royal Colleges on the 9th Feb 2022'.

In the answering of FOI-1393812, the department stated "Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, reducing the time period, specifying a particular minister, if appropriate, or abortion provider. "

This is exactly what I attempted to do in this FOI and the other 8 I submitted. It therefore seems unfair that, having followed the departments instructions, my latest FOI's were lumped together and refused, with the additional comment that the department will not be answering any more such questions for a following 60 days!

Please can the department answer this one question posed above, and please can the department help me understand where in the law it is prescribed that they don't need to answer future requests for a following 60 days?

A full history of my FOI request and all correspondence is available on the Internet at this address:
https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Femail_correspondence_between_dhs_4&data=04%7C01%7Cdhmail%40dhsc.gov.uk%7Cd594a4dc32e04047132f08da08c82740%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C637831952982584319%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&sdata=00bg2OOrxJXF9AEKF2iOjpMmxz3%2F5eHfgSPT9NPZf10%3D&reserved=0

Yours faithfully,

Christian Hacking