



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 Helen Thomas
request-650630-
75415580@whatdotheyknow.com

28 October 2020

Annex A: DHSC's response to initial request dated 17 April 2020
Annex B: Request for internal review dated 17 April 2020

Dear Ms Thomas,

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1206716

You originally wrote to the Department of Health and Social Care (DHSC) on 26 February requesting the report into Exercise Cygnus. We responded to you on 17 April (our ref: FOI-1206716), withholding the requested information under section 35(1)(a) of the FOIA (formulation or development of government policy). A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 17 April 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 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 responding, which I appreciate has fallen short of expectations.

I have undertaken discussions with the team that has responsibility for your request, and we have taken the opportunity to consider again how it was handled.

Since the date of your request, DHSC has published the full report into Exercise Cygnus as part of a wider publication giving detail on how the UK prepares for, and responds to, an infectious disease pandemic, particularly a potential outbreak of pandemic influenza. As this document is now in the public domain we will, under section 21 of the FOIA (information accessible to the applicant by other means), refer you to the published source:

www.gov.uk/government/publications/uk-pandemic-preparedness

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. 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,

Charlene Carter
Casework Manager
Freedom of Information Team
FreedomofInformation@dhsc.gov.uk

Annex A: DHSC's response to initial request

Ms Helen Thomas
request-650630-75415580@whatdotheyknow.com

17 April 2020

Dear Ms Thomas,

Freedom of Information Request Reference FOI-1206716

Thank you for your request dated 26 February in which you asked the Department of Health and Social Care (DHSC):

*"Dear Department of Health and Social Care,
In 2016, there was a cross-Government tier one pandemic influenza exercise called Cygnus. I believe this was carried out in October, between 18th and 20th.
As I understand, this was carried out by the Department of Health, as requested by the Cabinet Office.
Please provide the report produced as a result of Exercise Cygnus, including the conclusions and recommendations for changes. "*

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

DHSC holds the information you have requested. However, we are withholding this information under Section 35(1)(a) of the FOIA, which provides for the protection of information relating to the formulation and development of government policy.

Section 35 is a qualified exemption and we are required to assess as objectively as possible whether the balance of public interest favours disclosing or withholding this information. DHSC recognises a general public interest in promoting openness and transparency in government. In addition, DHSC recognise the interest in information relating to an exercise that has some relevance to systems and procedures in place for the Covid-19 outbreak.

However, this information is exempt under section 35 to ensure that the full, candid and proper deliberation of policy formulation and development is not influenced or impacted by the possibility of public exposure. We consider that the release of this information would prohibitively impact the ability of ministers to meet with officials and external stakeholders to discuss ongoing policy development.

Civil servants and subject experts need to be able to engage in the free and frank discussion of all policy options, 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. Disclosure of information protected under section 35 could prejudice good working relationships.

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'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 SK9 5AF

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

Annex B: Request for internal review

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 'Exercise Cygnus report'.

The report is being withheld on the basis of section 35 (1) (a), the protection of information relating to the formation and development of government policy.

This is a historic document relating to a theoretical exercise carried out in 2016 about our preparedness for a pandemic. To the extent that it was ever a crucial part of formulating government policy it would have been in the period immediately following that exercise.

Given that we are now living through a real-life pandemic, it would be very odd if this document were a crucial part of developing government policy at this time, or in the years ahead. It has, quite obviously, been overtaken by events. If government policy is still being formulated and developed with reference to a theoretical planning exercise run four years ago, something has already gone rather wrong.

On the other hand, there is a strong public interest in information that relates to our level of preparedness going into the Covid-19 outbreak, and the systems and processes that were in place. Moreover, the government has repeatedly pledged to be open and transparent with the public with regards to the current crisis.

Yours faithfully,

Helen Thomas