



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 Tracey Simpson-Laing
request-428233-2e7874ef@whatdotheyknow.com

2 February 2018

Annex A: DHSC response to initial request dated 1 November 2017
Annex B: Request for internal review dated 5 November 2017

Dear Ms Simpson-Laing

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1100307

You originally wrote to the Department of Health and Social Care (the DHSC) on 3 October requesting information relating to a Government study on the effects of Brexit on the NHS. We responded to you on 1 November (Ref FOI 1100307) confirming that the requested information is not held. A copy of our response, including the full text of your request is at Annex A.

You subsequently emailed DHSC on 5 November 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 apologise for the length of time it has taken to provide this response.

Information held/not held

As explained in our reply of 1 November, DHSC does not hold the information you requested. This is because we are not the appropriate authority to contact on this subject. To establish that the information is not held, I spoke to officials in DHSC's EU and International Team.

DHSC is not required to create new information to answer your request. I should explain that the FOIA provides a right of access to recorded information held by public authorities. However it does not require public authorities to generate new information to answer

questions, including providing explanations or giving opinions, unless this is recorded information that they already hold.

The link you refer to in your request of 3 October states '*the Department for Exiting the European Union had "conducted analysis of over 50 sector of the economy."*

Therefore and as previously advised, you may wish to consider contacting the Department for Exiting the European Union (DExEU) at foi@dexeu.gov.uk as they may hold some of the information you have requested.

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.

I am satisfied that the response you received on 1 November was correct.

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

James Shewbridge
Casework Manager
FreedomofInformation@dh.gsi.gov.uk

Annex A

Dear Ms Simpson-Laing

Freedom of Information Request Reference FOI 1100307

Thank you for your request dated 3 October 2017 in which you asked the Department of Health (DH):

“Subject: Re: Freedom of Information request - Government study on the effects of brexit on the NHS

As you will note from the below link I am referring to:

'Brexit minister David Jones confirmed in a letter that the Department for Exiting the European Union had “conducted analysis of over 50 sector of the economy”.

<http://www.independent.co.uk/news/uk/politics/brexit-50-studies-impact-economy-nurses-eu-a7893216.html>

I would note that these studies have been paid for by my taxes and the contents of the report could lead to a detriment effect to my health. To continue to deny access to the public is withholding information.”

This was a follow up (and clarification) of your previous request of 1 September, to which we responded on 29 September (our reference FOI 1096579).

Your new request (FOI 1100307) has been handled under the Freedom of Information Act (FOIA).

DH does not hold this information, and we suggest that you direct your request to the Department for Exiting the European Union (DExEU) at foi@dex.eu.gov.uk

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 sincerely,

Dorothy Crowe
Freedom of Information Officer
FreedomOfInformation@dh.gsi.gov.uk

Annex B

-----Original Message-----

From: Tracey Simpson-Laing [mailto:request-428233-2e7874ef@whatdotheyknow.com]

Sent: 05 November 2017 10:59

To: FreedomofInformation

Subject: Internal review of Freedom of Information request - Government study on the effects of brexit on the NHS

Dear Department of Health,

I am requesting an internal review as I am not satisfied with the handling of my request - reports in the media have been very clear that each department minister has been briefed on the documents; your reply is just a deflection to seek time.

I will also be taking up this issue with the ICO.

Yours faithfully,

Tracey Simpson-Laing