

4 June 2019

Our ref: F19/10032/CA

General
Medical
Council

Mr Thomas Ward

3 Hardman Street
Manchester M3 3AW

By email only to: request-558580-d853f686@whatdotheyknow.com

Email: gmc@gmc-uk.org
Website: www.gmc-uk.org
Telephone: 0161 923 6602
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Dear Mr Ward

Information request review

Further to your email sent on 20 March 2019 regarding our refusal to supply information to you under the Freedom of Information Act 2000 (FOIA), I have now reviewed this matter. I am sorry for my delay in responding to you.

Chronology

Your original request sent by email on 6 March 2019 sought information concerning Dr Michael William David Rosser (GMC UID: 6054006) – specifically all previous hearing outcome documentation.

This request was given our request reference number: F19/10032/CA. Christine Abdy responded to your request on 20 March 2019. She advised that this information was subject to an exemption, namely the 'personal data' exemption at Section 40(2), by virtue of section 40(3A)(a) of the FOIA.

My review

In your email of 20 March 2019 appealing against the refusal you state as follows:

'I believe you may have misunderstood my request. This doctor has had previous GMC hearings. This is the outcome documentation I am seeking (where this doctor was suspended for dishonesty convictions and class a drug use). These no longer appear online but have done before (in a redacted state). This outcome documentation has been published before and it's not personal and it's in the public interest for this information to be released as he's still a registered doctor. If you feel you can disclose this without an internal please do this but if not please consider this as an internal review. I am not seeking documentation relating to this doctors current transgression as he will be subjected to a hearing in due course.'

Having reviewed this matter I am satisfied that the decision made by Mrs Abdy to refuse to provide any information in respect of Dr Rosser was appropriate.

Any disclosure of information under FOIA is a 'public disclosure'. This means that:

- any member of the public can request the information
- information released under FOIA can then be released to any other person requesting the same information

In order to protect personal information from being released publicly, the FOIA contains certain provisions exempting information that is personal to individuals – in this case information relating to Dr Rosser's medical registration.

We do accept that there is some public interest in being aware of any complaints made about doctors and any subsequent sanctions. However we believe we take a reasonable and proportionate stance by only publicly disclosing the existence of certain complaints and sanctions.

We believe it's reasonable for doctors and complainants to expect that complaints will be treated as confidential. If a case progresses to a public hearing, or the doctor receives a sanction on their registration, certain information may be made publicly available by the GMC for a limited period of time as governed by our Publication and Disclosure Policy: <https://www.gmc-uk.org/-/media/documents/dc4380-publication-and-disclosure-policy-36609763.pdf> This policy sets out disclosure expectations for all parties involved in a complaint.

The exemption applied by Mrs Abdy applies where the information is the personal data of a third party (Dr Rosser) and where disclosure would breach any of the principles relating to the processing of personal data listed at Article 5 of the General Data Protection Regulation (GDPR).

We believe that to publicly provide the information you seek would breach the first principle, which requires that the processing of personal data is fair, lawful and transparent. I believe that none of the conditions at Article 6 of the GDPR, which are about the lawfulness of processing, are not met and therefore giving you the information would be unlawful.

I'm sorry that I couldn't provide a more helpful response on this occasion.

Further action

I appreciate that you will be disappointed with our response on this matter. Specifically in relation to the FOIA refusal you do have a further right of complaint to the Information Commissioner's Office. Their contact details are as follows:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Cheshire
SK9 5AF

Tel. no: 0303 123 1113
Email: casework@ico.org.uk

Yours sincerely



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