



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](http://www.gov.uk/dhsc)

Mrs Ruth Sutherland

By email to: [request-763154-cafc0856@whatdotheyknow.com](mailto:request-763154-cafc0856@whatdotheyknow.com)

20 January 2022

Annex A: DHSC response to initial request dated 1 July 2021

Annex B: Request for internal review dated 2 July 2021

Dear Mrs Sutherland,

## **FREEDOM OF INFORMATION ACT 2000 (FOIA): INTERNAL REVIEW**

### **CASE REFERENCE: IR-1342884 (FOI-1335452)**

You originally wrote to the Department of Health and Social Care (DHSC) on 6 June requesting information on the risk assessment and related information for Ramsay Croft Car Park, Dalkeith. We responded to you on 1 July (our ref: FOI-1335452) in which we released some information but withheld other information under section 43(2) - Commercial interests. A copy of our response, including the full text of your request, can be found in Annex A.

You subsequently emailed DHSC on 2 July 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. I apologise for the late arrival of this internal review response.

### **Conclusion**

After careful consideration, I have concluded that the response you received to your FOI request was compliant with the requirements of the FOIA.

Information was withheld under section 43(2) of FOIA (Commercial prejudice), and it is confirmed the information is commercially sensitive. In addition, the department has looked at the balance of interest in withholding or releasing this information. As stated in the original reply, although the need for transparency is clear, the need to protect commercial information is also important. As the COVID-19 situation is ongoing, we need to gain value for money such services. DHSC would find it difficult to do so if this information was released, damaging the commercial interests of DHSC and the related third parties.

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/concerns>

Yours sincerely,

Ed Franklyn  
FOI Internal Reviews  
[freedomofinformation@dhsc.gov.uk](mailto:freedomofinformation@dhsc.gov.uk)

## **Annex A: DHSC response to initial request**

Freedom of Information Team  
Department of Health and Social Care  
39 Victoria Street  
London SW1H 0EU

[www.gov.uk/dhsc](http://www.gov.uk/dhsc)

Mrs Ruth Sutherland  
request-763154-cafc0856@whatdotheyknow.com

1 July 2021

Dear Mrs Sutherland,

### **Freedom of Information Request Reference FOI-1335452**

Thank you for your request dated 6 June, in which you asked the Department of Health and Social Care (DHSC):

*“1. A copy of the site risk assessment for the symptomatic Covid 19 test site in Ramsay Croft Car Park, Dalkeith, Scotland. 2. A copy of the site selection criteria for Covid 19 Test sites issued by the UK Department of Health and Social Care issued to Scottish Local Authorities in February 2021. 3. The daily number of symptomatic patients attending appointments at the Covid 19 test site in Ramsay Croft Car Park, Dalkeith, since 21 May 2021 to date.”*

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

**1. A copy of the site risk assessment for the symptomatic Covid 19 test site in Ramsay Croft Car Park, Dalkeith, Scotland.**

**2. A copy of the site selection criteria for Covid 19 Test sites issued by the UK Department of Health and Social Care issued to Scottish Local Authorities in February 2021.**

DHSC holds information relevant to your request. However, it is being withheld under section 43, which exempts from the general duty to release information which 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, as such, we are required to assess the public interest in withholding this information against that of its release. We recognise a general public interest in transparency of Government, particularly surrounding the COVID-19 pandemic, as this builds public trust.

However, we also take into account the fact that this information is commercially sensitive, and we consider that releasing this information would not be in the public interest, as it would prejudice future commercial relations with suppliers if this information were to be disclosed into the public domain. Therefore, we consider that the balance of interest favours withholding this information.

**3. The daily number of symptomatic patients attending appointments at the Covid 19 test site in Ramsay Croft Car Park, Dalkeith, since 21 May 2021 to date.**

DHSC holds information relevant to your request. Please see the attached file for more details.

Please note that testing sites do not distinguish between symptomatic and asymptomatic attendees at test sites when recording this information.

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](mailto: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 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,

## **Annex B: Request for internal review**

From: Ruth Sutherland <request-763154-cafc0856@whatdotheyknow.com>

Sent: 02 July 2021 22:51

To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>

Subject: Internal review of Freedom of Information request - Information relating to Covid 19 Test Site in Dalkeith, Scotland

Dear Freedom of Information,

I confirm that I would like the FOI team to handle my request as an Internal Review.  
Reference FOI-1335452.

Yours sincerely,

Ruth Sutherland