



Kirrien Wilson

By email to: request-1155675-86460235@whatdotheyknow.com

30 September 2024

Annex A: DHSC response to initial request

Annex B: Request for internal review

Dear Kirrien Wilson,

FREEDOM OF INFORMATION ACT 2000 (FOIA): INTERNAL REVIEW

CASE REFERENCE: IR-1530006 (FOI-1522711)

You originally wrote to the Department of Health and Social Care (DHSC) on 6 August requesting information relating to Dr Wahid Asif Shaida. We responded to you on 30 August and a copy of our response, including the full text of your request, can be found in Annex A.

You subsequently emailed DHSC on 2 September 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 Freedom of Information (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.

The Department has undertaken an internal review of its decision in relation to your request under the Freedom of Information Act (FOIA) and has decided to uphold its original decision to neither confirm nor deny whether it holds the information you have requested.

By virtue of section 40(5B) of the FOIA, the duty to confirm or deny does not arise in relation to personal data if, or to the extent that, this would contravene any of the data protection principles in Article 5(1) UK GDPR.

Those principles include the principle that personal data shall be processed lawfully, fairly and in a transparent manner. For personal data to be processed lawfully, there would need to be a lawful basis for processing under Article 6 UK GDPR.

In reaching our decision, we have considered the points you raise about UK GDPR lawful bases which we assume are referring to Article 6(1)(d) (processing necessary in order to protect vital interests) and (e) (processing necessary for performance of a task in the public interest) of the UK GDPR. We have also considered Article 6(1)(f) (processing necessary for purposes of legitimate interests).

We do not consider any of these (or other provisions of Article 6) to provide a lawful basis for processing in this case.

In relation to Article 6(1)(d), Recital 46 to the UK GDPR provides that the processing of personal data should also be regarded to be lawful where it is necessary to protect an interest which is essential for the life of the data subject or that of another natural person. It goes on to state that processing of personal data based on the vital interest of another natural person should in principle take place only where the processing cannot be manifestly based on another legal basis.

As guidance from the ICO sets out, it is clear from Recital 46 that vital interests are intended to cover only interests that are essential for someone's life and hence this lawful basis is very limited in scope, and generally only applies to matters of life and death. The Department does not consider this threshold to have been met here.

The Department does not consider that the processing is necessary for the performance of a task in the public interest or for purposes of legitimate interests either.

In particular, whilst there might be a legitimate interest in the public knowing "who the dangers to the public are" as you say, confirmation or denial by the Department as to whether it holds information on investigation by the GMC against a particular doctor is not reasonably necessary for pursuing that interest, and there are other means of achieving this which are less intrusive.

Notably, the GMC publishes information about enforcement actions and sanctions in relation to medical doctors in the UK, see [Hearings and decisions landing - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/for-the-public/what-we-do/our-approach-to-our-regulation/our-approach-to-our-regulation). This provides information about enforcement actions and sanctions that have taken place and is a more accurate way of providing such information to the public than disclosure of the existence of investigations into complaints.

The decision that the Department is unable to confirm or deny whether it holds the information you have requested therefore still stands.

The following information might also be helpful:

- The GMC also publishes professional standards and guidance on its investigatory procedures. This information includes: [Good medical practice - professional standards - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/for-the-public/what-we-do/our-approach-to-our-regulation/our-approach-to-our-regulation), [Personal beliefs and medical practice - professional standards - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/for-the-public/what-we-do/our-approach-to-our-regulation/our-approach-to-our-regulation), [How we investigate concerns - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/for-the-public/what-we-do/our-approach-to-our-regulation/our-approach-to-our-regulation), and [Fitness to practise explained - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/for-the-public/what-we-do/our-approach-to-our-regulation/our-approach-to-our-regulation).
- The Medical Practitioners Tribunal Service publishes information regarding hearings and decisions at [Home - MPTS \(mpts-uk.org\)](https://www.mpts-uk.org/).
- The GMC publishes details regarding doctors on their medical register at [The medical register - GMC \(gmc-uk.org\)](https://www.gmc-uk.org/for-the-public/what-we-do/our-approach-to-our-regulation/our-approach-to-our-regulation).

Conclusion

After careful consideration, 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.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Mr D Stanton
FOI Internal Reviews
freedomofinformation@dhsc.gov.uk

Annex A: DHSC response to initial request

Kirrien Wilson

By email to: request-1155675-86460235@whatdotheyknow.com

30 August 2024

Dear Kirrien,

Freedom of Information Request Reference FOI-1522711

Thank you for your request dated 6 August to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA). For ease, we have broken down your questions as follows:

Information held by DHSC into investigations carried out by the General Medical Council (GMC) relating to Dr Wahid Asif Shaida and his views.

We are unable to confirm or deny whether DHSC holds the information you have requested under section 40(5B)(a)(i) of the FOIA.

Section 40(5) of the FOIA provides exemptions from the duty to confirm or deny whether requested information is held if to do so would disclose personal data. Due to the nature of the requested information, confirming or denying whether the requested information is held, and releasing it if it were, would result in information being attributed to an individual(s), which would contravene one of the data protection principles under Article 5(1)(a) of the UK General Data Protection Regulations.

If investigations have been completed, why Dr Wahid Asif Shaida's license to practice medicine has not been suspended.

DHSC does not hold this information.

However, if you have not already done so, you may wish to contact the General Medical Council (GMC) which may hold information relevant to your request. The GMC can be contacted at the following link: [Accessing information - GMC \(gmc-uk.org\)](https://www.gmc-uk.org).

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 sent to freedomofinformation@dhsc.gov.uk or

to the address at the top of this letter and be submitted within two months of the date 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.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team
freedomofinformation@dhsc.gov.uk

Annex

From: Kirrien Wilson <request-1155675-86460235@whatdotheyknow.com>

Sent: Tuesday, August 6, 2024 12:59 AM

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

Subject: Freedom of Information request - Information relating to investigation into Wahid Asif SHAIDA

Dear Department of Health and Social Care,

Dr Wahid Asif SHAIDA (GMC Registration Number: 3350854) is a GP registered with the General Medical Council and practices as a Family GP in Harrow, West London.

Dr Wahid Asif SHAIDA has made various media appearances making clear his views that in the eyes as of the British public make him no longer fit and proper to practice medicine in the UK, Including;

- Campaigning on the Streets of London for Jihad.
- Being the Leader of a Proscribed Terrorist Organization in the UK -Having extreme views on the rights of the LGBTQ community.
- Referring to the events in Israel on the 7th October 2023 as a punch in the face.
- Denying the 7th October 2023 terrorist attacks never actually happened.
- Calling for Sharia Law to be implemented in the UK.
- And many other things.

I am requesting any information held into investigations relating to the above GP and his view that the GMC have carried out and if the investigations have been completed, why his license to practice medicine hasn't been suspended since the investigation as he is still showing on the GMC GP register as active.

Yours faithfully,

Kirrien Wilson

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 GDepartment of Health and Social Care's handling of my FOI request 'Information relating to investigation into Wahid Asif SHAIDA'.

Your response say that you believe the request to proceed is unlawful as it doesn't cover a lawful basis, however I disagree and would like to have this reviewed.

Under Section 6 of GDPR Regs (Lawful Basis) I believe the request information falls under Section 6(d) Vital Basis.

Vital basis covers protection of life, and as someone who has in the media and in public called for Sharia Law (Which would have major harm issues to women, homosexuals and non believers) to be in the UK, Called for Jihad which incites violence again non Muslims in the UK and said that Homosexuals should be dealt with according to Sharia Law, this clearly shows he is a danger to individuals and falls under Vital Interest.

I also believe, for the above reasons it falls under section 6 (e) Public task as its in the public interest to show who the dangers to the public are.

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%2Finformation%20relating%20to%20investig%203&data=05%7C02%7Cfreedomofinformation%40dhsc.gov.uk%7C324e1df3736141f8fac008dccb7bbd4e%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C638608979531719145%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=lv4hB18FUbt1LhqXhud%2BSk%2FHCdC959Mmlnuod1InDE0%3D&reserved=0>

Yours faithfully,

Kirrien Wilson