



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)

Ms Louise McGettrick

By email to: [request-863371-f789d742@whatdotheyknow.com](mailto:request-863371-f789d742@whatdotheyknow.com)

30 November 2022

Annex A: DHSC response to initial request

Annex B: Request for internal review

Dear Ms McGettrick,

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

### **CASE REFERENCE: IR-1415350 (FOI-1406114)**

You originally wrote to the Department of Health and Social Care (DHSC) on 20 May requesting information relating to 'Lessons learnt' report. We responded to you on 1 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 14 August 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. I apologise for the time taken to reply to your internal review request.

### **Conclusion**

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

Having reviewed the original response, I can confirm the appropriate exemption was applied. The arguments for this have been laid out in the original response. I would add that it is accepted that the report into the initial response to the COVID-19 outbreak would be of great interest to the public as well as having a high public interest. However, it is even more important that officials and experts should be able to share their views on such an important matter without fear that such comments will be open to the public later on. On a matter that has affected so many lives it is vital that they are able to express themselves freely.

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,

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

## Annex A: DHSC response to initial request



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Ms Louise McGettrick

By email to: [request-863371-f789d742@whatdotheyknow.com](mailto:request-863371-f789d742@whatdotheyknow.com)

1 August 2022

Dear Ms McGettrick,

### **Freedom of Information Request Reference FOI-1406114**

Thank you for your request dated 20 May 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) and we apologise for the delay in replying.

DHSC holds information relevant to your request. However, it is being withheld under section 35(1)(a), which provides protection for information that relates to the formulation and development of Government policy. This is because this review contains findings and recommendations relating to the Government's continuing policy regarding the response to COVID-19 and planning for future pandemics.

Section 35 is a qualified exemption and, as such, we are required to assess as objectively as possible whether the balance of public interest favours disclosing or withholding this information. We recognise the strong public interest in transparency of Government, particularly surrounding the COVID-19 pandemic, as this builds public trust.

However, DHSC takes the view that the section 35 exemption is intended to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options.

Release of information protected by section 35 would be likely to undermine the safe space for experts and Government officials to debate live policy issues, which may prevent the sharing of honest advice in the future and adversely impact policy making. Civil servants and subject experts need to be able to engage in the free and frank discussion of all the policy options internally, 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 subsequently disclosed. Therefore, DHSC considers that the balance of interest lies in withholding 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 sent to [freedomofinformation@dhsc.gov.uk](mailto: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](mailto:freedomofinformation@dhsc.gov.uk)

## Annex

From: Louise McGettrick  
Sent: 20 May 2022 16:10  
To: FreedomofInformation  
Subject: Freedom of Information request - Internal Assessments of What Went Wrong During Coronavirus Pandemic

Dear Department of Health and Social Care,

I previously made a request in 2021 that was denied due to the demands the ongoing pandemic was placing on you. I would like to resubmit that request now, especially in light of the repeated mantra from conservative politicians that "We Got The Big Calls Right" -

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fspeeches%2Fpm-statement-to-the-house-of-commons-on-covid-19-19january-2022&data=05%7C01%7Cdhmail%40dhsc.gov.uk%7C7699819ac25341be988a08da3a8810bf%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C637886653303503937%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=6jl08Fkv7fz%2FmQF1LVbrTup8iqWYxv30zf%2BQMarCXMg%3D&reserved=0>

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.telegraph.co.uk%2Fpolitics%2F2022%2F03%2F14%2Fgot-big-calls-rightcovid%2F&data=05%7C01%7Cdhmail%40dhsc.gov.uk%7C7699819ac25341be988a08da3a8810bf%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C637886653303503937%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=BMzU0a71DcErkJRIWDkVLsrbl8c9zRw%2BhcQeFKf0jxU%3D&reserved=0>

I understand via the media that you have conducted internal assessments of what went wrong [during the coronavirus pandemic] to improve best practice - link here:

[https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapple.news%2FAdhL4q1fKRCGztUWVfQv7\\_Q&data=05%7C01%7Cdhmail%40dhsc.gov.uk%7C7699819ac25341be988a08da3a8810bf%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C637886653303503937%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=lll8b8xQ7vLXUFISpZZHXeDR2v2ufbWFM9RRbda7PM%3D&reserved=0](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapple.news%2FAdhL4q1fKRCGztUWVfQv7_Q&data=05%7C01%7Cdhmail%40dhsc.gov.uk%7C7699819ac25341be988a08da3a8810bf%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C637886653303503937%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=lll8b8xQ7vLXUFISpZZHXeDR2v2ufbWFM9RRbda7PM%3D&reserved=0)

I believe that such information belongs in the public domain, and I request that you make the assessments publicly accessible. This pandemic is ongoing, and isn't some abstract event but a tragedy experienced at a community level, measured in personal bereavements and ongoing ill health. If conclusions have been drawn people deserve the ability to understand how policies or decisions might have impacted them, and to be reassured that the conclusions made are being put into practice.

Yours faithfully,

Louise McGettrick

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

From: Louise McGettrick <request-863371-f789d742@whatdotheyknow.com>

Sent: 14 August 2022 10:48

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

Subject: Internal review of Freedom of Information request - Internal Assessments of What Went Wrong During Coronavirus Pandemic

[You don't often get email from request-863371-f789d742@whatdotheyknow.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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 'Internal Assessments of What Went Wrong During Coronavirus Pandemic'.

This government has stated, in press releases and in parliament, that they "got the big calls right" on Covid. To then deny public access to reports that assess any negative impacts of any calls they made leaves the public unable to ascertain the veracity of these claims. I cannot see how it is a tenable position to publicly claim success while suppressing any evidence of fault.

To deny the public access to these reports also denies the public the ability to know whether necessary changes have been made to the public health policy or infrastructure for future outbreaks. This is increasingly important in light of simultaneous outbreaks of polio and monkeypox within the UK, and the circulation of other zoonotic diseases such as bird flu.

At the time of writing, there have been 186,000 UK deaths attributed to Covid. It is overwhelmingly in the public interest to understand how these deaths occurred, how they may have been prevented, and to be able to recognise what steps have, or have not, been taken in response to analysis of the pandemic.

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%2Finternal\\_assessments\\_of\\_what\\_wen\\_2&data=05%7C01%7Cdhmail%40dhsc.gov.uk%7C4bbc88fe396b45116bd208da7eb3ad95%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C637961607411022880%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&data=z4r9Y1%2BtrQZ9nn3AANGwEom0EdwbwBaLATpLpdFnHYo%3D&reserved=0](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Finternal_assessments_of_what_wen_2&data=05%7C01%7Cdhmail%40dhsc.gov.uk%7C4bbc88fe396b45116bd208da7eb3ad95%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C637961607411022880%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&data=z4r9Y1%2BtrQZ9nn3AANGwEom0EdwbwBaLATpLpdFnHYo%3D&reserved=0)

Yours faithfully,

Louise McGettrick