



## Department of Health

18/07/2013

DE00000790015

Dear Mr Powell,

Thank you for your request of 21 June 2013 under the Freedom of Information Act (2000). Your exact request was:

*"On 21st June 2013, a video was added at this location:  
<http://www.standard.co.uk/news/health/shamed-nhs-boss-faces-pensions-axe-as-health-secretary-demands-action-over-hospital-deaths-8667844.html>*

*Video also here: <http://alturl.com/wwda3>*

*In this video Health Secretary Jeremy Hunt says "It will be a criminal offense to deliberately mislead the public".*

- 1) Please could you provide a full transcript of his interview.*
- 2) Please could you provide additional documentation showing what Jeremy Hunt has arranged to be put into motion relating to his sentence "It will be a criminal offense to deliberately mislead the public" and preferably a list of the groups who will be exempt from this statement."*

I can confirm that the Department of Health holds some information relevant to your request.

1)

The Department does not hold this information.

2)

I can confirm that the Department holds information relevant to your request.

However, as the information held by the Department is in the public domain, we will, under section 21 of the FOI Act (information accessible to the applicant by other means), refer you to the published source.

<https://www.gov.uk/government/publications/the-care-bill-factsheets>

Factsheet 14 provides further information on the introduction of a new criminal offence of false or misleading information in the Care Bill currently before Parliament.

Furthermore, on 12 June, Baroness Northover referred to the false or misleading information offence in the House of Lords. Again, under section 21 of the FOI Act, we will refer you to the published source:

<http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/130612-0003.htm>

Please note that the relevant information is located in three paragraphs within the section headed '12 Jun 2013: Column 1692', commencing "Amendment 77A" and ending "moves forward." For your ease of reference, please also find this information attached at Annex A.

In addition, I can confirm that the Department does hold information relating to the organisations within scope of the criminal offence.

However, we consider that this information is exempt under Section 35(1)(a) of the FOI Act, which provides protection for the information that relates to the formulation or development of government policy. As Section 35 is a qualified exemption, we are required to assess, as objectively as possible, whether the balance of public interest favours disclosing or withholding the information.

Whilst the Department recognises the general public interest in making this information available for the sake of greater transparency and openness, the policy of specifying the organisations and potential exemptions within scope of the offence is currently being formulated.

We have considered the public interest in preserving the ability of ministers and officials to engage in discussions of various policy options without apprehension that suggested courses of action may be held up to public or media scrutiny before they have been fully developed or evaluated.

Any such speculation and premature scrutiny could inhibit the free and frank analysis of policy ideas, which may also have an adverse effect in the time it takes to implement any new policy in this area. Therefore, in this instance, we have determined that the balance of public interest strongly favours withholding any of the requested information.

However, organisations that are within scope of the false or misleading information offence will be specified in regulations which will be subject to full parliamentary scrutiny.

If you have any queries about this email, please contact me. Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Head of the Freedom of Information Team  
Department of Health  
Room 317  
Richmond House  
79 Whitehall,  
London  
SW1A 2NS

Email: [freedomofinformation@dh.gsi.gov.uk](mailto:freedomofinformation@dh.gsi.gov.uk)

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,

Danny Lamond

Freedom of Information Officer  
Department of Health

[freedomofinformation@dh.gsi.gov.uk](mailto:freedomofinformation@dh.gsi.gov.uk)