



Department of Health

28/04/2016

Dear RT Freud,

Thank you for your recent requests under the Freedom of Information Act (2000). For ease of reference I attach copies of the requests we are responding to in this letter.

Please note that the FOI fees regulations state that two or more requests to a public authority from one person can be aggregated for the purposes of calculating costs if they are for the same or similar information. The fees regulations are available at the following link:

<http://www.legislation.gov.uk/ukxi/2004/3244/contents/made>

Information on aggregating requests is also set out in section 12(4)a of the FOI Act which states that:

“... where two or more requests for information are made to a public authority by one person the estimated cost of complying with any of the requests is to be taken to be the total cost of complying with all of them.”

On this basis, we are aggregating all your requests for the purposes of determining whether or not disproportionate cost would be involved in answering them, as we deem the requests for “the same or similar information.

The Department may hold information relating to your requests. However, to comply with all of the requests would incur disproportionate cost as defined by Section 12(1) of the FOI Act, which sets out that a public authority can refuse a request, if complying with it would exceed the appropriate limit of £600 (which represents 3.5 working days). This represents the estimated cost of one person spending this time in determining whether the information is held, and locating, retrieving and extracting the information.

We are, of course, keen to assist you and were you to refine your request for information within smaller margins, we may be able to assist you further. Please note that you would need to considerably limit the scope of your request, as some of your requests as they are currently worded would be likely to be refused under section 12 even when considered on an individual basis.

Each case is considered on a case by case basis, however, I would suggest that where you are requesting information relating to correspondence sent or received by the Department, that you restrict your request to correspondence sent or received by a particular team or individual in the Department. Any request which requires us to check the records of every team in the Department is likely to invoke section 12.

You may wish to view the Department's organogram to assist you in narrowing your request. The organogram is available here:

<https://www.gov.uk/government/publications/dh-staff-and-salary-data-on-1-april-2014>

As your requests on this subject are so numerous, and cover various aspects of tobacco policy and public health, I would also suggest that you consider reducing your request to information relating to a particular topic, or request a particular piece of correspondence, document, file etc. Where you specify a time frame, I would also recommend that you limit this to the time period of greatest interest to you.

I should also explain that the FOI Act is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities. The FOI Act does not require public authorities to generate information or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

Help and information on wording an FOI request can be found on the Information Commissioner's website at [www.ico.gov.uk/for the public/official information.aspx](http://www.ico.gov.uk/for_the_public/official_information.aspx).

I would request that you do not send multiple emails asking for similar information, as any request requesting the same or similar information may be aggregated for the purposes of calculating cost.

Please note that I cannot guarantee that Section 12 or any other exemptions under the FOI act will not apply to any further information requested.

Finally, you may find the below web page useful. This lists Ministers' meetings with external organisations:

<https://www.gov.uk/government/collections/ministerial-gifts-hospitality-overseas-travel-and-meetings>

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 520
Richmond House
79 Whitehall
London
SW1A 2NS

Email: 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,

Anna Coundley

Freedom of Information Officer
Department of Health

freedomofinformation@dh.gsi.gov.uk