



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

Mr Gabriel Kanter-Webber
request-660164-367cf668@whatdotheyknow.com

03/06/2020

Dear Mr Kanter-Webber,

Freedom of Information Request Reference FOI-1218242

Thank you for your request dated 22 April, in which you asked the Department of Health and Social Care (DHSC):

*"Dear Department of Health and Social Care,
The Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020 were, in part, intended to clarify that under regulation 6(1), the prohibition applies both to leaving the place where a person is living without reasonable excuse, and also to staying outside that place without reasonable excuse.
Please disclose an electronic copy of all recorded information you hold regarding this particular amendment.
Yours faithfully,"*

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

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

However, we consider that this information is exempt under Section 35(1)(a) of the FOIA, which provides protection for the information that relates to the formulation or development of Government policy. Section 35 is a qualified exemption and requires consideration of the public interest test.

The DHSC recognises the general public interest in making this information available for the sake of greater transparency and openness.

However, the 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.

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 disclosed. Premature disclosure of information protected under section 35 could prejudice good working relationships and the neutrality of civil servants.

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, 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 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.

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,

Le-Anne Frankson
Freedom of Information Officer
FreedomOfInformation@dhsc.gov.uk