



Department of Health

10/03/2015

DE00000925684, DE00000925685 & DE00000925686

Dear Sir, Madam,

Thank you for your requests of 6 & 8 March 2015 under the Freedom of Information Act (2000). Your exact requests were:

DE00000925684

"... I do not consider the information to be "general" as I ask for access to a specific report.

(1) Are you claiming that there is no "recorded information or documentation" of the report in any form? I would find this extremely hard to believe. If not, please explain why not.

[A] *(2) Please explain in simple terms, what the "original terms of reference" were.*

(3) Even if Lord Rose's report were submitted in hard copy, it would have been scanned on to some electronic system or other. If it has not, please can you as a matter of priority, scan it or convert it into an electronic format and attach it as a direct response to this FOI. This is irrespective of any subsequent remit or expansion of future plans or intentions.

[B] *(4) Just to make this crystal clear, this FOI relates in it's entirety to the full and specific content of Lord Rose's report (however lengthy) in it's entirety."*

DE00000925685

"in addendum to my previous reply, if the report is in oral format (highly unlikely), please can you have it transcribed as a matter of urgency."

DE00000925686

"it appears Jeremy Hunt is accused of covering up this report so that it doesn't see the light of day before the elections: http://www.theguardian.com/politics/2015/mar/07/jeremy-hunt-accused-cover-up-critical-nhs-report-tory-mp?CMP=share_btn_tw so it is imperative that the report is

made available in full asap. As Dr Wollaston states, this report was paid for by public money. We want to see what we paid for."

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 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".

To address points **[A]** and **[B]** in turn:

[A]

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/news/sir-stuart-rose-to-advise-on-nhs-leadership>

[B]

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

However, it is being withheld under Section 22, which states that public bodies are not obliged to disclose information that is intended for future publication.

Section 22 is a qualified exemption, and we are required to assess as objectively as possible whether the balance of public interest favours disclosing or withholding the information.

In general, there is a strong public interest in information being made as freely available as possible. However, further work is currently taking place on the review to reflect an expanded remit to take into account the NHS Five Year Forward View publication.

Our view that Section 22 applies to your request is based on the judgement that the public interest will be better served by general publication, in due course, of information describing the outcome of the review when it is complete rather than by disclosure now, to a single individual, of incomplete and therefore potentially misleading information.

As such, we consider that releasing this information before its expected publication date would not be in the public interest. The full report will be published in due course.

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,

Graham Sale

Freedom of Information Officer
Department of Health

FreedomofInformation@dh.gsi.gov.uk