



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 Steven Carroll
[request-654703-3cb0f7b0@whatdotheyknow.com](#)

14 August 2020

Annex A: DHSC's response to initial request dated 9 April 2020
Annex B: Request for internal review dated 6 August 2020

Dear Mr Carroll,

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1209730

You originally wrote to the Department of Health and Social Care (DHSC) on 12 March requesting *"the minutes documents relating to the wind up of the MacFarlane Trust the transfer of funds left in MFT accounts to the Terrence Higgins Trust"*. We responded to you on 9 April (our ref: FOI- 1209730), withholding some of the requested information under section 40(2) of the FOIA (personal information). A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 6 August requesting an internal review into the handling of your original request. A copy of your email is at Annex B.

The purpose of an internal review is to assess how your FOI request was handled in the first instance and to determine whether the decision given to you was correct. This is an independent review as I was not involved in the original decision. Please note the Department is not required to conduct an internal review if more than two months have passed since the reply was issued, as is the case here. However, I am carrying out this internal review in order to conclude this matter.

Conclusion

After careful consideration of the subject matter and the issues you raise, I maintain that the response you received was compliant with the requirements of the FOIA and I uphold DHSC's decision to withhold some of the requested information under section 40(2).

As I have previously explained to you, the information that we are withholding requires manual redaction and access to office equipment. Staff have not yet returned to office working and senior officials have made it clear that colleagues will not be compelled to return to the office at this stage. Unfortunately, we are unable to expedite the release of the requested information.

I note your assertion that *"All of the people present at the meeting work in the public domain & therefore under section 5 this mutes [sic] the need for redaction"*. However, this is incorrect. Further information on section 40 of the FOIA is available at:

<https://ico.org.uk/media/for-organisations/documents/2614720/personal-information-section-40-and-regulation-13-version-21.pdf>

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. 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,

Charlene Carter
Casework Manager
Freedom of Information Team
FreedomofInformation@dhsc.gov.uk

Annex A: DHSC's response to initial request

Mr Steven Carroll
request-654703-3cb0f7b0@whatdotheyknow.com

09 April 2020

Dear Mr Carroll,

Freedom of Information Request Reference FOI-1209730

Thank you for your request dated 12 March, in which you asked the Department of Health and Social Care (DHSC):

*"Dear Department of Health and Social Care,
I am requesting the minutes documents relating to the wind up of the MacFarlane Trust the transfer of funds left in MFT accounts to the Terrence Higgins Trust. Your department originally allocated the funds to the MFT were involved in the redistribution of these funds.
Yours faithfully,"*

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

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

We have located and extracted the requested information and are now in the process of redacting it under s40(2) of the FOIA, which provides for the protection of personal information. Section 40 prohibits a public body from disclosing personally identifiable information, as doing so would contravene data protection principles. Redaction is also required for out of scope information included in the documents.

Because redaction is carried out manually and requires access to office equipment, you will receive your response when staff are able to return to work as normal. We will keep you updated but unfortunately will not be able to expedite the response or the release of information in any way.

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

Annex B: Request for internal review

From: S Carroll request-654703-3cb0f7b0@whatdotheyknow.com

Sent: 06 August 2020 17:33

To: FreedomofInformation freedomofinformation@dhsc.gov.uk

Subject: Internal review of Freedom of Information request - Minutes of meeting between DHSC, THT MacFarlane Trust

Dear FreedomofInformation,

FOI-1209730.

Yours sincerely,
S Carroll