



# 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](http://www.gov.uk/dhsc)

Ms Gemma Partridge  
[request-694595-cf4aeace@whatdotheyknow.com](mailto:request-694595-cf4aeace@whatdotheyknow.com)

1 February 2021

Annex A: DHSC's response to initial request dated 13 January 2021  
Annex B: Request for internal review dated 13 January 2021

Dear Ms Partridge,

## **FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1282420**

You wrote to the Department of Health and Social Care (DHSC) on 15 December requesting meeting minutes between NHSX, Google and Apple. We responded to you on 13 January (our ref: FOI-1282420), refusing your request under section 14(2) of the FOIA (identical or substantially similar to a previous request). A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 13 January 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.

I have undertaken discussions with the team that has responsibility for your request, and we have taken the opportunity to consider it again.

### **Conclusion**

After careful consideration of the subject matter, I have concluded that the response you received was compliant with the requirements of the FOIA and I uphold DHSC's decision to refuse your request under section 14(2).

In FOI-1266718, we advised that we may be able to answer a refined request within cost limits if you considered narrowing your request to a specific meeting. FOI-1282420 was a request for all of the meetings held in the original requested period. Therefore this was, although rephrased, requesting exactly the same information as FOI-1266718.

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](mailto:FreedomofInformation@dhsc.gov.uk)

## **Annex A: DHSC's response to initial request**

Ms Gemma Partridge  
[request-694595-cf4aeace@whatdotheyknow.com](mailto:request-694595-cf4aeace@whatdotheyknow.com)

13/01/2021

Dear Ms Partridge,

### **Freedom of Information Request Reference FOI-1282420**

Thank you for your request dated 15 December, in which you asked the Department of Health and Social Care (DHSC):

*"Thanks for your response. In light of this, please kindly provide a copy of meeting minutes (regardless of subject matter) between NHSX and Google and NHSX and Apple in 2020 specific to the dates below.*

*26 March, 10 April, 15 April, 19 April, 22 April, 27 April, 29 April, 4 May, 21 May, 4 June, 17 June, 22 June, 24 June."*

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

Section 14(2) permits a public body to refuse a request for information if the request is identical, or substantially similar to a previous request submitted by the same individual or organisation, unless a reasonable period has elapsed between those requests.

The Information Commissioner's Office (ICO) states Section 14(2) can be applied to a request if it meets the following criteria:

- the request is identical or substantially similar to a previous request from the same requester;
- the authority has previously provided the information to the requester or confirmed that it is not held in response to the earlier FOIA request; and
- a reasonable interval has not elapsed between the new request and compliance with the previous request.

The Department received a request for substantially similar information on 27 October (ref: FOI- 1266718), to which we issued a response on 15 December, refusing your request on the grounds that processing it would exceed the cost limit of 24 working hours as set out in Section 12 of the FOIA. We provided advice suggesting that the request was refined to read outs from a particular meeting that you are interested in, however this request has not been refined, but appears to be an attempt to rephrase your previous request.

A copy of the response to your original request has been attached for your reference.

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](mailto: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/>

## **Annex B: Request for internal review**

Gemma Partridge [request-694595-cf4aeace@whatdotheyknow.com](mailto:request-694595-cf4aeace@whatdotheyknow.com)

13 January 2021 10:04

Dear Department of Health and Social Care,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department of Health and Social Care's handling of my FOI request 'NHSX Apple and Google'.

You rejected our request dated 15th December which you coded FOI-1282420 claiming it was identical or too similar to a previous request.

It may be helpful for you if we summarise the relevant events:

On 27th September 2020 we asked you to supply meeting minutes between NHSX and Google and NHSX and Apple between December 2019 and June 2020 inclusive.

On 27th October 2020 you asked for clarification. We responded on the same date stating. With this in mind, we are only interested in minutes from meetings held with Apple and Google in relation to the term 'contact-tracing app'.

On 29th November 2020 when you failed to supply a valid response as recognised by the Act we asked for an internal review.

On 30th November 2020 you stated you would not be conducting an internal review so we reported the matter to the Information Commissioner the same date.

On 15th December 2020 you informed us the information we sought would exceed the cost limit so you helped us to narrow it down by kindly providing us with a list of dates in which DHSC met with Apple and Google.

On 15th December 2020 in response to your message, we asked you to kindly therefore supply the information we sought specifically for the specified dates .

{Thanks for your response. In light of this, please kindly provide a copy of meeting minutes (regardless of subject matter) between NHSX and Google and NHSX and Apple in 2020 specific to the dates below.

26 March, 10 April, 15 April, 19 April, 22 April, 27 April, 29 April, 4 May, 21 May, 4 June, 17 June, 22 June, 24 June.}

Today we have you rejecting the request alleging it is too similar to a previous request. As you can clearly see by our summary, we asked for meeting minutes and we did not get them from you. We merely followed your instructions of how to narrow the request so that it may fall within the cost limit. Therefore your claim that the request is too similar or identical to a previous request is invalid.

Now that we've explained why you cannot rely on Section 14(2) to keep the information from us, we request that you now release it without further delay or we shall take the matter up with the Information Commissioner.

Your department is already facing a court judgement of Contempt due to your failure to comply with the Information Commissioner's Decision Notice:

<https://ico.org.uk/media/action-weve-taken/decision-notice/2020/2618293/ic-45918-z0k6.pdf> so I doubt you want further undesirable scrutiny.

A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.whatdotheyknow.com/request/nhsx\\_apple\\_and\\_google](https://www.whatdotheyknow.com/request/nhsx_apple_and_google)

Yours faithfully,

Gemma Partridge  
for Stop UK lies and Corruption.