

22 November 2013

By Email to: request-146202-04949d5b@whatdotheyknow.com

3 Hardman Street
Manchester M3 3AW

Telephone: 0161 923 6200
Facsimile: 0161 923 6201
Email: gmc@gmc-uk.org
www.gmc-uk.org

Dear Mr Rock

Information Request & Review

Thank you for your email dated 25 October 2013 asking if the GMC is planning to collect the information you previously requested under the Freedom of Information Act 2000 (FOIA) and also seeking a review of our refusal (Our ref: F13/5185/ME) to provide information to you under FOIA.

New Information Request

In your email dated 25 October 2013 you have requested the following information:

I write today to enquire if, since my request, any method, scheme or system has been initiated or planned, to collect ready case data such as requested above, and perhaps in even greater detail, to give better understanding of Practitioner failures or Council worth and efficiency.

If such a system is planned, has thought been given to the value of collecting retrospective data, please, e.g. via a one-off research effort?

I confirm the information you have requested is not held.

Review of Information Withheld

You requested the following information under the Freedom of Information Act 2000 on 18 January 2013:

In cases where the death of a GP patient was involved, please can you give me the following data, for the last 2 complete previous years for which data is held:

- (a) the number of cases of this type brought to your attention
- (b) the number of cases in which the GPs were investigated, & hence

the number of cases not investigated (i.e. met the threshold for investigation, or did not)

(d) number of cases with action taken (i.e. reprimand or stronger), & hence number of cases deemed no action necessary (i.e. the case was investigated and dismissed).

In his response sent on 15 February 2013 my colleague Mark Ellen confirmed that the information you had requested was subject to the FOI cost limits as referenced at Section 12 of the FOIA. I have reviewed Mr Ellen's response to you and I believe that he has correctly dealt with your request under FOIA. I have set out my reasons for this below.

I confirm we hold the information you have requested but we are unable to identify cases in our electronic record database that match the criteria you have described. This is because we do not hold the information on our database in such a way that would allow us to search for the level of detail you have requested. The only way we could attempt to identify complaints that fall within your criteria would be to manually search each complaint. Mark identified over 100 cases which would need to be reviewed individually in order to locate the information you have requested.

Section 12 of the FOIA allows a public authority not to undertake a search for the information requested where they estimate that the cost of complying with the request for information would exceed the 'appropriate limit'. The Freedom of Information (Fees and Appropriate Limit) Regulations 2004 set the 'appropriate limit' at £450 for public authorities such as the GMC. This is equivalent to two and a half days work. In estimating the cost the public authority can take into account the cost of determining, locating, retrieving and extracting the information requested. We reserve the right to refuse requests that would cost in excess of this limit and would significantly impact on our business.

Therefore I must confirm that we consider your request to be exempt in accordance with Section 12 of the FOIA. We estimate that to locate, retrieve and review over 100 cases would take at least 30 minutes per case and over 50 hours total. We would need to enter the reference number into our system and review the full contents of each case. We are unable to automate this process because human judgement is required to consider whether the enquiry matches the criteria you have specified.

Based on an hourly rate of £25 per hour (which is set by the Freedom of Information (Fees and Appropriate Limit) Regulations 2004) it would cost us at least £1,250 to locate, retrieve and check the information you have requested. Therefore we believe that your request would cost us in excess of the 'appropriate limit' to process.

The Information Commissioner has published guidance regarding Section 12 of FOIA. I have provided a link to the published guidance below:

http://www.ico.org.uk/for_organisations/guidance_index/~/_media/documents/library/Freedom_of_Information/Detailed_specialist_guides/costs_of_compliance_exceeds_appropriate_limit.ashx

I hope you find the additional explanation useful. If you remain dissatisfied with our response you do have a further right of appeal to the Information Commissioner, the regulator of the FOIA. Their contact details are as follows:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel. no: 0303 123 1113
Email: mail@ico.gsi.gov.uk

Please let me know if you have any questions.

Yours sincerely

Courtney Brucato
Information Access Officer
Email: cbruxxxx@xxxxxx.xxx
Telephone: 0161 923 6692