



Ms Gemma Atkins

By email to: request-769090-f285e002@whatdotheyknow.com

23 December 2021

Dear Ms Atkins,

FREEDOM OF INFORMATION ACT 2000 (FOIA): INTERNAL REVIEW

CASE REFERENCE: IR-1379890 (FOI-1340835)

You originally wrote to the Department of Health and Social Care (DHSC) on 27 June 2021 requesting information relating to Data Protection Impact Assessments DHSC holds for CCTV processing activities, and also relating to Records of Processing Activity (ROPA) for DHSC. A copy of your email can be found in **Annex A**. We responded to you on 14 December 2021 (our ref: FOI-**1340835**) where we confirmed that although the information was held by the Department, it was exempt under Section 43 of the FOIA.

You subsequently emailed DHSC on 15 December 2021 requesting an internal review (IR) into the handling of your original request. A copy of your email can be found in **Annex B**.

The purpose of an IR is to assess how your FOI request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review as I was not involved in the original decision.

Conclusion

After careful consideration, I have concluded that the response you received to your FOI request was partially compliant with the requirements of the FOIA for the following reasons:

- I note the first enquiry* about Data Protection Impact Assessments was not answered, for which I apologise. The answer to this question can be found below.

****Please could you provide me with any Data Protection Impact Assessments you hold for CCTV processing activities.***

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

DHSC does not hold the information you have requested.

- I am satisfied that the response you received in respect of your second enquiry about ROPA was compliant; the exemption applied was correct.

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by DHSC.

The ICO can be contacted at:

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

Website: <https://ico.org.uk/concerns>

Yours sincerely,

Dominic Stanton
FOI Internal Reviews
freedomofinformation@dhsc.gov.uk

Annex A: DHSC response to initial request dated 14 December 2021

Ms Gemma Atkins

By email to: request-769090-f285e002@whatdotheyknow.com

14 December 2021

Dear Ms Atkins,

Freedom of Information Request Reference FOI-1340835

Thank you for your request dated 27 June, in which you asked the Department of Health and Social Care (DHSC):

*“Dear Department of Health and Social Care,
Please could you provide me with any Data Protection Impact Assessments you hold for CCTV processing activities.
Please could you also provide a Records of Processing Activity for the Department of Health.
Yours faithfully,
Gemma Atkins”*

Your request has been handled under the Freedom of Information Act 2000 (FOIA). I apologise for the length of time taken to respond.

DHSC holds information relevant to your request. However, we consider that this information is exempt under Section 43 of the Freedom of Information Act (FOIA), which exempts from the general duty to release information which would, or would be likely to, prejudice the commercial interests of any entity, including the public authority holding the information. Section 43 is a qualified exemption and, as such, we are required to assess the public interest in withholding this information against that of its release. We recognise a general public interest in this area.

However, we also take into account the fact that this information is commercially sensitive, and we consider that releasing this information would not be in the public interest, as disclosure could discourage future commercial partner relationships with the DHSC. Therefore, we consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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 sent to freedomofinformation@dhsc.gov.uk or to the address at the top of this letter and be submitted within two months of the date 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 SK9 5AF
Website: <https://ico.org.uk/concerns>

Annex B: Request for internal review dated 15 December 2021

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 the Department of Health and Social Care's handling of my FOI request 'ROPA and CCTV'.

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fropa_and_cctv&data=04%7C01%7CDHmail%40dhsc.gov.uk%7C94dbc90ffea745ff50a408d9bfcff18b%7C61278c3091a84c318c1fef4de8973a1c%7C1%7C0%7C637751722085915581%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=pYUGJwmvp73a6FRHLHSMi9WizuRn9NAz1xlxx8MKvMA%3D&reserved=0

Yours faithfully,

Gemma Atkins