



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 Penelope Crouch

By email to: [request-904463-b352d01a@whatdotheyknow.com](mailto:request-904463-b352d01a@whatdotheyknow.com)

10 May 2023

Dear Ms Crouch,

**FREEDOM OF INFORMATION ACT (FOIA): FURTHER AMENDMENT OF CASE  
DHSC REFERENCES: IR-1424826 (FOI-1420207)  
ICO REFERENCE: IC-204975-H2F7**

You originally wrote to the Department of Health and Social Care (DHSC) on 30 September 2022 requesting information relating to 'the scientific advice and evidence that was used when making the changes announced to the shielding policy in Sajid Javid's letter of 27 September 2021'. We responded to you on 26 October.

You subsequently emailed DHSC on 3 November requesting an internal review into the handling of your original request. The department partially upheld the decision in relation to your request.

The department then received notification from the Information Commissioner's Office (ICO) about your complaint, and a further response and a redacted version of a ministerial submission was sent to you on 20 January. The department has taken the opportunity to further consider the handling of your request.

When the department shared a version of this document with you on 25 April, one item in paragraph 18 was withheld under section 43(2) (Commercial Interests). Upon further consideration, the department has concluded that that information should be released. Please see attached the version of the ministerial submission that is now unredacted in relation to section 43(2).

Unfortunately, due to an error, the submission that was sent to ministers on 23 July 2021 still had the 'DRAFT' markings in the header. This should have been removed before the team that drafted the document sent it to the ministers' offices and DHSC apologises for the oversight and any confusion caused.

The submission sets out that Dr Jenny Harries and Professor Jonathan Van Tam provided clinical advice. The Director for Mental Health and Disabilities, Shielding and Volunteering Policy, Fiona Walshe, is also named in the submission. Additionally, two Deputy Directors, Tim Brown and Phil Harper also contributed to the ministerial submission.

All the remaining redactions in this current document have been done under section 40(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, and the names of junior civil servants have been redacted.

After further reviewing this request, we will be maintaining the department's position with refusing the request under section 12(1) of the FOI Act as the time taken to review the documents and information held would exceed £600 - the cost of one person spending 24 hours determining whether we hold the information, and then locating retrieving and extracting the information.

To further explain we have carried out a 60-minute sampling exercise to estimate how long it would take for us to determine if the information requested is held, retrieve any information in scope of the request, and extract the information from the documents.

The sample exercise identified over 50 documents and over 700 emails. This is not the final number of documents.

We can confirm that our estimate has been based on the quickest method of gathering the requested information: e.g., a keyword review of emails at the relevant time discussions were ongoing, as well as searching the filed documents held by the team.

The 60-minute exercise enabled us to locate some, but not all of the information, or documents or emails which may contain the information. We were also unable to retrieve or extract information that was potentially in scope.

In addition to the sampling exercise, we have also estimated the time we believe it would reasonably take to carry out locating, retrieving and extracting the information held. We have also provided an estimate of the additional time it would take to analyse the information, and decide whether it should be redacted or not.

A copy of this letter will be shared with the ICO, and the department will also write to the ICO to address other issues that have been raised with regards to the handling of this matter.

If you are not content with the outcome of your complaint, you may apply directly to the ICO for a decision. The ICO can be contacted at the address below:

The Office of the Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire, SK9 5AF  
<https://ico.org.uk/concerns>

Yours sincerely,

Freedom of Information Team  
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