



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

Ms Hilary Aked
[request-585169-974aa6ef@whatdotheyknow.com](#)

16 September 2019

Dear Ms Aked

Freedom of Information Request Reference FOI-1187641

Thank you for your request dated 20 August 2019 in which you asked the Department of Health and Social Care (DHSC):

Subject: Re: Freedom of Information request - Scoping of NHS visitor charging under Labour government

Firstly, thank you for your response. It's helpful to know the name of the review - 'Review of access of the NHS by foreign nationals' - that happened during the time frame I am interested in and this is certainly the relevant review.

Secondly, yes I would like to narrow the request please in order to limit its scope and hopefully fall within the section 12 time/cost limitation. To that end, please use the following key words as search terms:

- 1. harm***
- 2. discrimination***
- 3. vulnerable***
- 4. risk***
- 5. racism***

If the first key word listed above already produces too much documentation, please let me know. Otherwise please continue down the list until the limit is reached. I hope that's possible and makes sense - if not, please do let me know.

This was a follow up to your request of 11 July, to which we responded on 8 August (our ref FOI 1182897).

Your new request (FOI-1187641) has been handled under the Freedom of Information Act (FOIA).

DHSC may hold information relevant to your request. However, to comply with your request as it is currently framed would exceed the cost limit as set out in Section 12(1) of the FOIA.

Section 12(1) states that a public authority can refuse a request if complying with it would exceed the appropriate limit of £600, which represents 3.5 working days. This represents the estimated cost of one person spending this time in determining whether the information is held, and locating, retrieving and extracting the information.

We note that you have narrowed your request to the 'Review of access to the NHS by foreign nationals', and to a timeframe of June 2008-May 2009. However, a search of the files of our NHS Cost Recovery team using the keywords you have identified has found several hundred files which would need to be reviewed in order to determine if they contained relevant information, which we have estimated would substantially exceed the section 12 limit.

Please note that under the FOIA a public authority is not obliged to undertake work up to the section 12 limit, so we are treating your request for searches using those five keywords as forming part of an overall request, the processing of which we have estimated would exceed the limit.

If you were to refine your request solely to the first three words you have identified (harm/discrimination/vulnerable), then we may be able to process it. However, I cannot guarantee that Section 12 or any other exemptions will not apply to a narrowed request.

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 receipt of the response to your original letter and should be addressed to the address at the top of this letter, or the email address at the end of this letter.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner (ICO) who may decide to investigate your concerns. Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review response. The ICO will not usually investigate concerns where there has been an undue delay in bringing it to their attention. You should raise your concerns with them 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/>

Yours sincerely,

Dorothy Crowe

Freedom of Information Officer

E FreedomofInformation@dhsc.gov.uk