



# Department of Health & Social Care

Freedom of Information Team  
Department of Health and Social Care  
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Ms Hilary Aked  
request-585169-  
974aa6ef@whatdotheyknow.com

25 October 2019

Annex A: DHSC's response to initial request dated 10 October 2019

Annex B: Request for internal review dated 14 October 2019

Dear Ms Aked,

## **FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1190511**

You wrote to the Department of Health and Social Care (DHSC) on 16 September, refining previous requests regarding NHS visitor charging. We responded to you on 10 October (our ref: FOI-1190511), refusing the request under section 12(1) of the FOIA (exceeds costs). A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 14 October, 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 refusal of your request under section 12(1) of the FOIA.

I appreciate your frustration at having to refine your request more than once. DHSC responded to FOI-1190511 by carrying out your request to search for three keywords, which we estimated would exceed the section 12 cost limit. As you are aware, under the FOIA a public authority is not obliged to undertake work up to the section 12 limit. We therefore did not reduce the search to two keywords, or then to one keyword.

I note your statement that "It is clear enough that I am trying to find out what internal assessment was made about the possible harms of NHS charging". I should explain that it is not for the Department to assume what information you are seeking but to search for, and provide if appropriate, everything that is within the scope of the request as it is phrased.

In view of your explanation, I have logged a new request on your behalf. The refined request limits the search to the first word ("harm"), which we have assessed that we will be able to respond to within the cost limit. Please note that I cannot guarantee that other exemptions will not apply to this narrowed request. You should receive a response within 20 working days.

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 Hilary Aked  
[request-585169-974aa6ef@whatdotheyknow.com](mailto:request-585169-974aa6ef@whatdotheyknow.com)

10 October 2019

Dear Ms Aked

Freedom of Information Request Reference FOI 1190511

Thank you for your request dated 16 September 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

Thank you for your response and for explaining that the boundaries of the request are at present too broad.

Instead, I'd like to follow your suggestion and narrow the search to the first 3 key words.

I hope that will solve the problem posed by the section 12 time/cost limit.

Please note that if it does not, I'd request that you narrow it to 2 key words and then if it still doesn't please narrow it to the first word only.

This was a follow up to your requests of 11 July and 20 August 2019, to which we responded on 8 August and 16 September (our ref FOI 1182897 and FOI-1187641 respectively).

Your new request (FOI 1190511) has been handled under the Freedom of Information Act (FOIA).

DHSC holds 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 appreciate that you have narrowed your request to only three keywords (which is what we suggested you may wish to consider in our response to FOI-1187641). However, further searches of our files using those three keywords have found a much larger volume of documentation than we anticipated, and we consider that processing that information would still exceed the cost limit as set out in Section 12(1) of the FOIA.

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 three keywords as forming part of an overall request, the processing of which we have estimated would exceed the limit.

However, if you were to refine your request solely to the first word ('harm'), we have assessed that we will be able to process it. However, I cannot guarantee that 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/>

**Annex B: Request for internal review**

Dear Department of Health and Social Care,

Thank you for your response.

When I narrowed down my request I already stated explicitly a request for you to narrow it down further to one word if necessary, should 2 key words still prove too much and I would have hoped that you would have done this as requested.

I would like to request an internal review of the handling of this FOI request.

I am not satisfied that due care and attention is being paid to it, to help me find the information I am looking for and I feel that unnecessary delays have been caused as a result.

It is clear enough that I am trying to find out what internal assessment was made about the possible harms of NHS charging and a review of the relevant documents should, I feel, be able to relatively easily locate key pieces of information I am interested in.

Please could you confirm in writing that an internal review will take place and that the outcome will be provided in 20 working days?

Thank you for your assistance.

Yours faithfully,

Hilary Aked