



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 Amanda Hart
request-699498-9b3c23f3@whatdotheyknow.com

18 December 2020

Annex A: DHSC's response to initial request dated 27 November 2020

Annex B: Request for internal review dated 27 November 2020

Dear Ms Hart,

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1263936

You originally wrote to the Department of Health and Social Care (DHSC) on 15 October requesting information regarding payments to executives at Boston Consulting Group. We responded to you on 27 November (our ref: FOI-1263936), neither confirming nor denying whether DHSC holds information in relation to your request under section 43 of the FOIA (prejudice to commercial interests). A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 20 November 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 and the public interest, I have concluded that the response you received was compliant with the requirements of the FOIA and I uphold DHSC's decision to neither confirm nor deny whether the requested information is held under section 43.

The review is now complete.

As you are aware, 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>

You may also find it useful to refer to the ICO's guidance on communicating effectively and politely with public authorities at:

<https://ico.org.uk/your-data-matters/official-information>

Yours sincerely,

Charlene Carter
Casework Manager
Freedom of Information Team
Freedomofinformation@dhsc.gov.uk

Annex A: DHSC's response to initial request

Ms Amanda Hart
request-699498-9b3c23f3@whatdotheyknow.com

27 November 2020

Dear Ms Hart,

Freedom of Information Request Reference FOI-1263936

Thank you for your request dated 15 October, in which you asked the Department of Health and Social Care (DHSC):

“Background: On 14th October 2020 it was revealed that your department is paying 'Test and Trace' consultants £7500 per DAY.

Fol request: Please kindly provide the documentation showing the job title(s) of the person(s) who authorised such payments to executives at Boston Consulting Group.”

Your request has been handled under the Freedom of Information Act (FOIA). Please accept my apologies for the delay in our response.

DHSC neither confirms nor denies whether we hold information relevant to your request. Section 43 of the FOIA states that:

(3) The duty to confirm nor deny does not arise if, or to the extent that, compliance with section 1(1)(a) of the Act would, or would be likely to, prejudice the interests mentioned in subsection (2).

DHSC considers that confirming whether the requested information is held would engage the provisions of section 43(2), on the basis that it would prejudice the commercial interests of DHSC.

Section 43 is a qualified exemption and DHSC has considered whether the public interest in maintaining the exemption of the duty to confirm or deny outweighs the public interest in confirming whether or not DHSC holds this information.

The Department recognises the significant public interest in transparency in Government, particularly in relation to its work on the COVID-19 pandemic, as this increases public trust and engagement.

However, this has to be weighed against a public interest in safeguarding commercial interests. In this instance, confirming whether or not we hold information would be likely to prejudice DHSC's ability to secure best value in its commercial arrangements. In this case, it has been decided that the public interest in maintaining the exclusion outweighs the public interest in confirming or denying whether the information is held.

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 this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top 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
Cheshire
SK9 5AF
<https://ico.org.uk/concerns/>

Annex B: Request for internal review

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 Department of Health and Social Care's handling of my FOI request 'Tories paying £7500 per DAY public money for Test and Trace consultants'.

We do not accept your claim that overall the public do not have a right to know the name of the person(s) who authorised these payments.

You shall now be given a chance to correct this, but if you refuse to do so we shall take the matter up with the Information Commissioner. Your department is already on course to receive a court judgment of Contempt when the ICO ruled against you on IC-45918-Z0K6.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/tories_paying_ps7500_per_day_pub

Yours faithfully,

Amanda Hart

for Stop UK lies and Corruption.