



Defence Business Services

Secretariat
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Ref: FOI2022/03956

DBSRES-Secretariat@mod.gov.uk

13 April 2022

Dear [REDACTED]

Thank you for your email of 22 March 2022 to the Ministry of Defence (MOD), seeking information about a medical advisor and a medical study commissioned in 2015.

You requested the following information;

“Under the freedom of Information Act 2020 i am requesting the following information

- 1. The Medical Qualifications and any specialist medical field worked in for [REDACTED]*
- 2. in 2015 commisioned a study into the following with 5 year updates to be released , can you either a) tell me where to find the report that was due in 2020 or send me a copy of this.*

Muscoskeletal Health and Osteoarthritis in the UK Army -The ADVANCE Study, This is a 20 yr Cohort study of 600 Combat Casualties against 600 Non Combatant into Long Term Hip and Knee trauma.”

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the MOD and I can confirm that some information in scope of your request is held.

In relation to Question 1. This information is held however, I must advise you that Section 40(2) has been applied to the information to protect personal information as governed by the Data Protection Act 2018. Section 40 is an absolute exemption and there are no requirements to consider the public interest in making a decision to withhold the information.

As such I am unable to release the medical qualifications of a Veterans UK Medical Advisor as they have either not consented to, or are unable to consent to, the release of their personal information, and it remains unreasonable to do so without their consent.

I should explain that the MOD is not required to release the qualifications of its employees, where doing so would contravene other legislation such as the Data Protection Act. The General Medical Council (GMC) has confirmed that where an individual makes a direct approach to a Doctor for their qualifications, the Doctor must provide the requested information, for example where a patient makes a verbal request to their General Practitioner (GP). However, as DBS customers are unable to approach the Veterans UK MA's directly, the release of an MA's personal information is dependent upon other rules and regulations such as the UK

Data Protection Act 2018 (UK DPA 18). GDPR Article 23(1) and the UK DPA 2018, Schedule 2, Part 3, covers the Protection of Rights of Others, specifically in relation to Health, Social and Education workers. In accordance with paragraph 17(1)(a) it is to be considered reasonable for a controller to disclose information to a data subject without the consent of the other individual where – (a) the health data test is met. 17(2) explains, the health data test is met if – (a) the information in question is contained in a health record, and (b) the other individual is a health professional who has complied or contributed to the health record or who, in his or her capacity as a health professional, has been involved in the diagnosis, care or treatment of the data subject.

However, consent has been given to release the following information in relation to the rest of Question 1. As a medical advisor for Veterans UK, [REDACTED] is fully registered and has a license to practice by the GMC. He has worked in general medicine and has extensive experience working in disability assessments before joining Veterans UK. On joining Veterans UK, he had appropriate training in the Armed Forces Compensation Scheme and War Pension Scheme. In the past he undertakes regular ongoing professional development which may be general or informed by case types or issues raised. He actively engages in annual GMC appraisals to demonstrate that he is up to date and fit to practice.

Under Section 16 of the Act (Advice and Assistance) you might find it helpful to know that Veterans UK Medical Advisers are not involved in patient care as part of their role and therefore I am unable to offer any refinement which might produce further recorded information in scope of your request.

In relation to Question 2: I must advise that an update report on *Musculoskeletal Health and Osteoarthritis in the UK Army -The ADVANCE Study* is not held.

Under Section 16 of the FOIA (Advice & Assistance) you may be interested to know that the link below provides various information and updates on the ADVANCE Study, including links to the published research;

<https://www.advancestudydmrc.org.uk>

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

[REDACTED]

DBS Secretariat