FOI 23/331 – correspondence with FDA

Dear

Thank you for your request of 03 May 2023 under the Freedom of Information Act. Please accept our apologies for the delay in reply.

Your request was as follows:

> This email represents a request under the terms of the Freedom of Information Act 2000, would you be able to provide all emails from/to :
> - Jamie Convisser
> - Jonathan Mogford
>
> from/to :
> - Philip Krause FDA
> - Marion Gruber FDA
> - Peter Marks FDA
> - Janet Woodcock FDA
> - Amanda Cohn FDA

We confirm that we hold the information you have requested. However, we consider that this information is exempt under Section 14 (1) of the Freedom of Information Act. Section 14 (1) does not oblige a public authority to comply with a request for information if the request is vexatious. As set out on the Information Commissioner's Office (ICO) website, and we quote:

> "Section 14(1) is designed to protect public authorities by allowing you to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress."

We are not applying Section 14 (1) lightly to your request, we have considered other options, but our background to applying Section 14 (1) is set out below.

On receipt of your request, we instructed our IT support team to conduct a search of our email records. That search has found a total of 4,589 emails in scope of your request. We would then need to:

- Download and review each email.
- Consider any exemptions that may apply to the information therein and apply redactions (noting this process includes converting each email into a format such as pdf and applying any required redactions at that stage).
- Discuss the release of information as appropriate with the third party (which could be any of the 5 non-MHRA individuals you have named).
- Compile the final releasable emails and share them with you.

If we were to allow 5 minutes per email for this activity, then we would be looking at approximately 382 hours to comply with your request.

In line with the ICO guidance we have considered applying Section 12, given that at this stage our concern is with the burden of fulfilling your request. However, the

reason Section 12 is not appropriate in this case is because it cannot be claimed “for the cost and effort associated with considering exemptions or redacting exempt information.” As we have stated above, we have located the emails in question, it is the consideration of exemptions and the redaction process which we consider will take a significant amount of time and cause a significant burden.

We wish to draw your attention to the Information Commissioner’s guidance for requestors, which advises against making “catch-all” requests.

We will be happy to consider any new request for more specific information, should you choose to make one.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date you receive this response and addressed to: info@mhra.gov.uk
Please remember to quote the reference number above in any future communications.

If you were to remain dissatisfied with the outcome of the internal review, you would have the right to apply directly to the Information Commissioner for a decision. Please bear in mind that the Information Commissioner will not normally review our handling of your request unless you have first contacted us to conduct an internal review. The Information Commissioner can be contacted at:
Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely
MHRA Customer Experience Centre
Communications and engagement team
Medicines and Healthcare products Regulatory Agency
10 South Colonnade, Canary Wharf, London E14 4PU