

**FOI 24/012**

FOILicensing &lt;FOILicensing@mhra.gov.uk&gt;

Sun 02/06/2024 11:52

To: [REDACTED]

Dear [REDACTED]

Many thanks for your request for information dated 03 January, where you asked for the following:

- 1) I would like to request any correspondence relating to the Caldas Group held by MHRA dated between 1st April 2020 - 31st December 2020**
- 2) Provide the number of investigations conducted by the MHRA into the University of Cambridge and the Cambridge University Hospitals NHS Foundation Trust between 1st April 2020 - 31st December 2020**

Please find our response to your questions below.

**Question 1**

We previously estimated that the time involved to fulfil your request for correspondence (FOI 23/762) would exceed the appropriate costs limit under Section 12 of the Freedom of Information Act 2000. This is because the request would have entailed conducting a wide range of searches and associated time to locate, retrieve and extract any relevant information.

We appreciate that you have now asked the above question for correspondence relating to the Caldas Group held by MHRA on two occasions (now and in 23/738). In order to provide some assistance, we have focussed a search across all MHRA emails for the keyword 'Caldas Group' in the specified time frame. This search has produced zero results.

**Question 2**

We neither confirm nor deny whether the information is held. Section 31(3) of the FOIA allows that:

31.—(3) The duty to confirm or deny does not arise if, or to the extent that compliance with section 1(1)(a) would or would be likely to, prejudice any of the matters mentioned in subsection (1).

**Public interest test**

Section 31(3) is a qualified exemption and section 17(3) of the Act requires us to conduct a Public Interest Test (PIT) when considering this neither confirm nor deny provision. In applying this exemption, we are required to consider whether, in all the circumstances of the case, the public interest in neither confirming nor denying outweighs the public interest in confirming or denying whether the MHRA holds the information you have requested. The 'public interest' is not the same as what interests the public. In carrying out a PIT, we consider the greater good or benefit to the community as a whole in saying whether information is held or not. The 'right to know' must be balanced against the need to enable effective procedural governance and to serve the best interests of the public. The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone and a response under the FOI Act is a public one.

To confirm or deny whether or not the requested information is held would enable wider awareness about whether any investigation has been undertaken and there is a public interest in this. However, this point must be balanced against the fact that to either confirm that information is held, or state that it is not held itself gives an indication about whether any investigation may or may not have taken place. We therefore consider that the balance of

the public interest in this case favours maintaining the exemption and neither confirming nor denying whether the information is held.

This was explained in our response to FOI 23/909, sent on 14 December 2023.

We now consider this response closed. If you disagree with how we have interpreted the Freedom of Information Act 2000 in answering your request, you can ask us to review our actions and decisions by writing to: [info@mhra.gov.uk](mailto:info@mhra.gov.uk), and requesting an internal review.

Please note that your internal review request must be in a recordable format (email, letter, audio tape etc.), and that you have 40 working days upon receipt of this letter to ask for a review. We aim to provide a full response to your review request within 20 working days of its receipt. Please quote the reference number above in any future communications.

If you are not content 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 online via an electronic form: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

or in writing to:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF

Yours sincerely,

HQA FOI Team