

## FOI 24/066 response

MHRA Customer Services <MHRACustomerServices@mhra.gov.uk>

Mon 12/02/2024 14:40

To [REDACTED]

## FOI 24/066

Dear [REDACTED]

We are writing in response to your email of 15 January 2024, where you provided details of a report you believe has been made to the MHRA and asked for an unredacted copy.

We have dealt with your request under the Freedom of Information Act (FOIA). We should explain that requests dealt with under the FOIA are requests for information to be released into the public domain. Because of the public nature of FOIA, the key question that a public authority must ask itself when deciding how to respond to an FOIA request is whether the information is suitable for disclosure to anyone and everyone. Particularly here, we need to consider whether simply confirming or denying if we hold the requested information would, in itself, reveal personal details about an identifiable individual to the 'world at large'.

Section 40(5B) of FOIA allows a public authority to refuse to confirm or deny that it holds particular information if the mere act of confirming (or

denying) that information is held would, in itself, reveal personal data about an identifiable individual and would contravene one of the data

protection (DP) principles. The Information Commissioner's guidance explains how, in these cases, even confirming or denying that the requested information is held could reveal personal information:

*"When a public authority provides confirmation or denial under FOIA as to whether it is holding someone's personal data, it is, in fact, disclosing to the world personal data about identifiable individuals. It is saying "we have information about this person in respect of this request" or "we do not have information about this person in respect of this request". If it is entitled to rely on Section 40(5) in this case, it is saying, "we are not obliged to make any comment under FOIA about whether we hold the requested information."*

The first data protection principle states that *"Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject"*. When dealing with an FOIA request about a named individual, their personal data would be "processed" if a confirmation or denial is then given in response to the request. We therefore consider that confirmation or

denial in this case would contravene the first data protection principle, that processing should be lawful, fair and transparent.

On this basis, we neither confirm nor deny that we hold information relevant to your request as Section 40(5B) of the FOIA applies and this sets aside the requirement to state whether we do or do not hold the requested information in this case.

If you disagree with how we have interpreted the Freedom of Information Act 2000 in answering or handling 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

## MHRA Customer Experience Centre

Communications and engagement team

Medicines and Healthcare products Regulatory Agency

10 South Colonnade, Canary Wharf, London E14 4PU

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**From:** [REDACTED]

**Sent:** Monday, January 15, 2024 8:44 AM

**To:** MHRA Customer Services <[MHRACustomerServices@mhra.gov.uk](mailto:MHRACustomerServices@mhra.gov.uk)>

**Subject:** FOI 24/066

**Importance:** High

Good Morning,

I believe the MHRA received a complaint from [REDACTED] in March 2023, about alleged working practices within our warehouse. [REDACTED] claimed in correspondence to us that an investigation was carried out by the Agency, in response to his allegations, and he has been provided with a redacted copy of the report. He has cited a report ID [REDACTED]  
[REDACTED]

Can you please provide us with an unredacted copy of that report?

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

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This e-mail message is strictly confidential and for use by the addressee only. If the message is received by anyone other than the addressee, please return the message to the sender by replying to it and then destroy all copies of the original message. [REDACTED]

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