FW: FOI 24/286 - companies presenting at the CHM this week

[redacted]
Fri 19/04/2024 11:12
To [redacted] MHRA Customer Services <MHRACustomerServices@mhra.gov.uk>; [redacted]
Cc:FOILicensing <FOILicensing@mhra.gov.uk>

Please see the below response that was sent out from the FOILicensing mailbox this morning.

[redacted]

From: FOILicensing
Sent: Friday, April 19, 2024 11:09 AM
To: [redacted]
Subject: FOI 24/286 - companies presenting at the CHM this week
Importance: High

Dear [redacted]

Thank you for your request of 20 March 2024, where you asked:

"what companies are presenting at the CHM this week?"

We have dealt with your request under the Freedom of Information Act and under Section 1(1)(a) of the Act. With regards to providing a list of companies who are presenting at the Commission of Human Medicines (CHM), we neither confirm nor deny we hold information relevant to your request. Section 41(2) and Section 43(3) of the Freedom of Information Act (FOIA) absolves us from the requirement to say whether or not we hold information. We will explain why this is below.

41.—(1) Information is exempt information if —
(a) it was obtained by the public authority from any other person (including another public authority), and,
(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.
(2)The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.

43.
(1)Information is exempt information if it constitutes a trade secret.
(2)Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).
(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 the interests mentioned in subsection (2).

Public interest test
Section 17(3) of the Act requires us to conduct a Public Interest Test (PIT) when considering the provision of a qualified exemption. 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 that the information is held outweighs the public interest in confirming or deny that we hold the information. 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 releasing further information on this issue. 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.

Considerations in favour of confirming or denying that the information is held
To confirm or deny whether companies have presented at CHM in a particular meeting would be of interest to patient groups and healthcare professionals in knowing and understanding whether a relevant treatment could soon be available to patients. It would also be of benefit in general to show transparency in MHRA's day-to-day work for the public to see what applications are currently being considered by MHRA.

Considerations in favour of refusing to confirm or deny
To confirm or deny which companies have presented at CHM would be of great interest to rival companies who are marketing or looking to market their own products. Knowledge of whether an application is being considered by MHRA (which could be deduced from details of whether companies have presented at CHM) and how an application is being assessed/where it is in the assessment process can be used as market intelligence in order to gauge when a new product is likely to come onto the market so strategies can be employed to prevent that product getting a foothold in the market. Further, to provide confirmation on applications that are not yet authorised in the UK can create a chilling effect, with companies reluctant or unwilling to submit applications for their products to the UK. This would result in fewer medicines being available for patients.

For these reasons, we consider that the public interest favours neither confirming nor denying that the information is held.

If you have a query about this response, please reply to this email. Please remember to quote the reference number above in any future communications.

Yours sincerely,

MHRA Customer Experience Centre
Communications and Engagement Team
Medicines and Healthcare products Regulatory Agency
10 South Colonnade, Canary Wharf, London E14 4PU

Appeal rights
If you are dissatisfied with the handling of your request, you can ask us to conduct 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
If you remain dissatisfied with the outcome of the internal review, you 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 a request unless the requester has first asked us to conduct an internal review.
The Information Commissioner can be contacted through their online webform at: 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

From: [redacted]
Sent: Wednesday, March 20, 2024 6:50 PM
To: info@mhra.gov.uk.
Cc: [redacted]
Subject: Fwd: info@mhra.gov.uk.

Dear MHRA :what companies are presenting at the CHM this week?

150-day assessment for national applications for medicines
www.gov.uk