FW: FOI 24/283 [redacted]

[redacted]

Mon 22/04/2024 12:05

[redacted]

Please see the below response which was sent out this morning.

[redacted]

From: FOILicensing
Sent: Monday, April 22, 2024 12:03 PM
To: [redacted]
Subject: FOI 24/283 Meeting Minutes - March 21-22 2024 CHM
Importance: High

Dear [redacted]

Regarding your email of 21 March 2024, where you have asked the following:

"I was curious if I could get the meeting minutes from the March 21-22 2024 CHM meeting.

I am specifically interested if Northwest Biotherapeutics's MAA for DCVAX-L was discussed (as scheduled based on a December 20th, 2023 submission)."

Regarding your request for the minutes, as a summary of the meeting minutes for the above meeting of the Commission on Human Medicines (CHM) will be published in the future, we are exempting the release of any further information under Section 22(1) of the Freedom of Information Act (FOIA) – Information intended for future publication.

It is both reasonable and in the public interest to maintain this established schedule of proactive publication. The minutes will be available through the CHM website when published:

https://www.gov.uk/government/organisations/commission-on-human-medicines/about/membership#summary-minutes

https://app.box.com/s/jv487awvqzzsrdql0o34h9gg350ceyd4

Regarding your second question *"if Northwest Biotherapeutics's MAA for DCVAX-L was discussed"*, we neither confirm nor deny we hold information relevant to this part of 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:

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.

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 refusing outweighs the public interest in providing any information we hold. 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 providing information
To provide information on an application received by MHRA and whether it has been discussed at CHM 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 neither confirming nor denying we hold the information
To provide further information on an application for a particular medicine and whether it has been discussed 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 and how it 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 information 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.

We consider that the public interest favours withholding any further information.

If you have a query about the information provided, please reply to this email.

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

From: [redacted]
Sent: Thursday, March 21, 2024 11:03 PM
To: MHRA Customer Services <MHRACustomerServices@mhra.gov.uk>
Subject: FOI 24/283 Meeting Minutes - CHM

Hello,

I was curious if I could get the meeting minutes from the March 21-22 2024 CHM meeting.

I am specifically interested if [redacted] was discussed (as scheduled based on a December 20th, 2023 submission).

Thank you.

[redacted]