

By email to: [REDACTED]

Human Tissue Authority

2nd Floor
2 Redman Place
London
E20 1JQ

Tel 020 7269 1900

Web www.hta.gov.uk

Email enquiries@hta.gov.uk

Date: 05 June 2025

Dear [REDACTED]

Freedom of Information Act

Thank you for your email into the Human Tissue Authority (HTA) dated 08 May 2025 for which we gave the case reference number: [REDACTED]. Your email has been handled as a request for information under the Freedom of Information Act 2000 ("**FOIA**").

Your email outlined the following request ("**your Request**"):

"Please provide me with copies of all training materials provided to Independent Assessors based in (a) England and Wales (b) Scotland regarding living adult organ donation, whether directed or non-directed.

Please provide me with all forms (or other materials) used by Independent Assessors in (a) England and Wales (b) Scotland during their interviews with potential donors in order to evaluate them for donation.

Please provide me, if it is not otherwise included in the information released in response to the above requests, for any definition of the term 'coercion' or cognate terms used in training for Independent Assessors."

Response

The Human Tissue Authority (HTA) is a non-departmental public body of the Department of Health and Social Care. Part of our role is to assess and make decisions on all living organ donations taking place in the UK.

The [Human Tissue Act 2004](#) provides a legal framework for living organ donation in England, Wales and Northern Ireland. In Scotland, the framework is provided by the [Human Tissue \(Scotland\) Act 2006](#). Secondary legislation sets out the detail, in England, Wales and Northern Ireland this is [The Human Tissue Act 2004 \(Persons](#)

[Who Lack Capacity to Consent and Transplants\) Regulations 2006](#) and in Scotland it is [The Human Organ and Tissue Live Transplants \(Scotland\) Regulations 2006](#).

The HTA regulates the donation of organs in the UK from living people by making the decision on whether the donation can go ahead, based on criteria set out in law. We provide an independent check to help protect the interests of living organ donors. Each individual donor has an opportunity to speak freely to someone not connected with the transplant unit in order to confirm whether the donor has exercised his or her own free will in making the decision to consent to organ donation.

We do this through our Independent Assessment (IA) process. IAs act as a representative of the HTA and undertake interviews on behalf of the HTA to allow it to fulfil its role. The HTA trains and accredits IAs to assess living organ donations in England, Wales, Scotland and Northern Ireland.

The IA role involves interviewing the donor and recipient to explore whether the requirements of the legislation have been met. IAs do not determine the medical suitability of the donor or recipient.

The HTA makes the decision on whether the proposed donation can proceed or not based on the information provided by the IA in their report to the HTA and any other relevant information gathered as part of its consideration of the case.

Section 31

Section 31(1)(g) of the FOIA provides an exemption for “the exercise by any public authority of its functions for any of certain specified purposes”. Those specified purposes include the purpose of “ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise”.

We have set out below the matters we have taken into account in considering where the balance of public interest lies in releasing the information which has been requested.

- We acknowledge that there is a public interest in the HTA and how we fulfil our regulatory function, which includes the approval of living organ donations.
- We have also considered where the balance of public interest lies in disclosing the training materials for IAs.
- We have concluded that releasing all the information you have requested could result in those materials being used for criminal purposes if the training materials were to be made public.
- Releasing the training materials would prejudice our statutory decision-making function in relation to living organ donation.

Having reviewed the potential information we could release in response to your request for further details, we are satisfied that full disclosure of the detail is information which, if disclosed, would prejudice our ability to exercise our regulatory functions in making decisions on living organ donations.

We have therefore concluded that we will not disclose all of the information you requested; we believe that the public interest in disclosing some of that information does not outweigh the public interest in not disclosing that information.

The information for which we believe the balance of public interest in not disclosing outweighs the public interest in disclosing is as follows:

- copies of all training materials provided to Independent Assessors based in (a) England and Wales (b) Scotland regarding living adult organ donation, whether directed or non-directed.

You have requested all forms (or other materials) used by Independent Assessors in (a) England and Wales (b) Scotland during their interviews with potential donors in order to evaluate them for donation.

IAs are not provided with a form specifically to evaluate potential donors during their interviews. IAs submit their written report to the HTA via a secure portal. In the event the portal is unavailable, IAs can submit their report using a contingency report.

A copy of the contingency form can be found on the HTA website:

[Independent Assessor Contingency Report.docx](#)

You have requested “any definition of the term 'coercion' or cognate terms used in training for Independent Assessors.”

Section 21

Information is absolutely exempt under Section 21 if it is accessible to the applicant by other means.

Information in relation to the definition of the term 'coercion' can be found in Code of Practice F, part one, Living organ donation which is published on the HTA website:

[Code F Part one - Living organ donation.pdf](#)

Further information is available in the Guidance documents to Independent Assessors which are published on the HTA website: [Living organ donation assessments | Human Tissue Authority](#)

Further information

We hope you found the above response to your Request clear and helpful. If you are unhappy with the way the HTA has handled your request for information in this case, or if you disagree with how we have interpreted FOIA in answering your Request, you may in the first instance ask us for an internal review by writing to us at the above postal or email address, within two months of this reply, specifying that you would like an Internal Review to be carried out.

Any internal review of the HTA's handling of your information request will be reassessed by staff who were not involved in providing you with this response.

Please remember to quote the case reference number above in any future communications.

If you remain dissatisfied after this internal review, you have the right to appeal directly to the Information Commissioner for a decision, at the address below. There

is no charge for making an appeal.

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

Telephone: 08456 30 60 60 or 01625 54 57 45

Website: www.ico.gov.uk

Yours sincerely,

Freedom of Information Officer