

By email to: [REDACTED]

Human Tissue Authority

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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 a list of cases reported under the mandatory reporting scheme regarding suspicions that an organ donation and transplantation-related offence may have been committed under the Human Tissue Act or Modern Slavery legislation, and transplants undertaken abroad, to the HTA between April 1, 2024 and May 8, 2025. Please provide the dates these reports were filed.

Please provide details of what action was taken from these reports – whether they were referred to the police, and which police authority it was referred to, or whether it was closed without further action.

Please also provide details of the type of concern – whether the report was regarding a suspicion of historic organ trafficking, a suspicion of organ transplants undertaken abroad, or whether the report was regarding a current patient or transplant in Britain.

Please provide the above to my email, EMAIL PROVIDED, in a machine-readable format, such as .csv or .xlsx.

In addition, I would like to request the full case files of the above reports to the Mandatory reporting system, in PDF format.

If you have any queries about this request please contact me on NUMBER PROVIDED.

If you are encountering practical difficulties complying with this request, please contact me so that we can discuss the matter and if necessary I can modify the request.”

Response

The Human Tissue Authority (HTA) is a non-departmental public body of the Department of Health and Social Care and is the national regulator of human tissue and organs. The HTA licenses and inspects organisations across six different sectors. We also assess and make decisions on all living organ donations taking place in the UK, and some bone marrow or peripheral blood stem cell donations.

The [Human Tissue Act 2004](#) provides a legal framework for living organ donation in England, Wales and Northern Ireland.

On 1 April 2024, [The Human Tissue Act 2004 \(Supply of Information about Transplants\) Regulations 2024](#) came into force in England, Wales and Northern Ireland.

The Regulations place a statutory duty on relevant clinicians in England, Wales and Northern Ireland who work closely with patients that need, or have received, an organ transplant to report the following information to the HTA:

- a. if they have a reasonable suspicion that an organ donation and transplantation-related offence may have been committed or
- b. if they are made aware that a patient has received an organ transplant outside the UK.

Our associated [guidance document](#) aims to support clinicians who are required to report information to the Human Tissue Authority under the Regulations. In particular, it includes who is required to report, what information should be reported and how to submit a report. It also explains when and to whom the HTA will share the reported information.

The Regulations do not apply retrospectively.

Section 30

This section deals with HTA's duty to investigate whether someone should be charged with an offence, or the power to conduct such investigations and/or institute criminal proceedings. Some of the purposes are to protect the identity of confidential sources, primarily to ensure informants are not deterred from supplying law enforcement agencies with valuable intelligence.

HTA admits that some information within the request may be available but it is not in the public interest for this to be disclosed because:

- The periods claimed may involve investigations at a stage where disclosure of information would be prejudicial
- The information would not otherwise be in the public domain
- There is a need to protect the value of information obtained from confidential sources,
- Of the significance of the information, particularly in terms of whether it would

reveal any flaws in an investigation or set of proceedings.

Section 31

Section 31(1)(a) of the FOIA provides an exemption for the prevention or detection of crime.

We have set out below the matters we have taken into account in considering where the balance of public interest lies concerning the release of information about cases reported under these Regulations.

We acknowledge that there is a public interest in the HTA and how we fulfil our regulatory function, which includes reporting under these Regulations. We have also considered where the balance of public interest lies in disclosing the information you have requested.

We have concluded that releasing all the information you have requested could harm efforts to prevent or detect crime.

Having reviewed the potential information we could release in response to your request, we are satisfied that full disclosure of the detail you have requested would, if disclosed, adversely impact specific investigations which may be taking place.

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.

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 concerning the release of information about cases reported under these Regulations.

We acknowledge that there is a public interest in the HTA and how we fulfil our regulatory function, which includes reporting under these Regulations. We have also considered where the balance of public interest lies in disclosing the information you have requested.

We have concluded that releasing all the information you have requested could have an adverse impact on the quality of reports supplied. The prospect of disclosure under FOIA is likely to result in a cautious and restrictive approach to reporting.

Relevant Clinicians being deterred from providing detailed and frank reports by the prospect of disclosure would clearly prejudice our supervisory functions and would make it more difficult for us to establish whether formal action is required in specific cases.

Having reviewed the potential information we could release in response to your request, we are satisfied that full disclosure of the detail you have requested would, if disclosed, prejudice our ability to exercise our regulatory functions.

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:

- *Please also provide details of the type of concern – whether the report was regarding a suspicion of historic organ trafficking, a suspicion of organ transplants undertaken abroad, or whether the report was regarding a current patient or transplant in Britain.*

We have therefore not disclosed this information in our response.

We will disclose the following information you requested as we believe that the public interest in disclosing the information outweighs the public interest in not disclosing that information. The information for which we believe the balance of public interest in disclosing outweighs the public interest in not disclosing is as follows:

- *a list of cases reported under the [mandatory reporting scheme](#) regarding suspicions that an organ donation and transplantation-related offence may have been committed under the Human Tissue Act or Modern Slavery legislation, and transplants undertaken abroad, to the HTA between April 1, 2024 and May 8, 2025.*
- *Please provide the dates these reports were filed.*

Please find the detail below:

42 cases were reported to the HTA between April 1 2024 and May 8 2025. These were received on the following dates:

Case referral number	Date report received by HTA
001	04.04.2024
002	22.04.2024
003	23.04.2024
004	01.05.2024
005	10.05.2024
006	14.05.2024
007	16.05.2024
008	14.06.2024
009	18.06.2024
010	27.06.2024
011	09.07.2024
012	12.07.2024
013	22.08.2024
014	18.09.2024
015	18.09.2024
016	20.09.2024
017	23.09.2024

018	15.10.2024
019	25.10.2024
020	04.11.2024
021	05.11.2024
022	12.11.2024
023	18.11.2024
024	19.11.2024
025	25.11.2024
026	28.11.2024
027	10.12.2024
028	16.12.2024
029	24.12.2024
030	31.12.2024
031	02.01.2025
032	07.01.2025
033	08.01.2025
034	09.01.2025
035	31.01.2025
036	04.02.2025
037	06.02.2025
038	17.02.2025
039	25.02.2025
040	09.04.2025
041	29.04.2025
042	02.05.2025

Section 38

Although we neither confirm or deny the existence of such information, we assert that this section applies which provides an exemption from disclosing information if it would endanger the physical or mental health or safety of any individual.

To protect individuals we cannot identify people affected, but the endangerment is real and significant. Our work involves a threat to organised crime, and we work with various people in the life cycle of investigations who need to be protected.

Section 40

Section 40 (2) addresses the issue of personal information of third parties where disclosure would contravene UK GDPR principle (a) because there is no lawful basis for processing. We can confirm that some information claimed within the request exists but cannot be disclosed for reasons indicated within this exemption.

Section 41

This exemption applies to information within your request that we have received from someone else and where complying with the request would be a breach of confidence that is actionable. This information is not in the public domain.

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