

Human Tissue Authority
151 Buckingham Palace Road
Victoria
London
SW1W 9SZ

[REDACTED]

By email to [REDACTED]

Tel 020 7269 1900
Web www.hta.gov.uk
Date 31 July 2014

Dear [REDACTED]

Freedom of Information request

Thank you for your request for information under the Freedom of Information Act (FOIA), which was received by the Human Tissue Authority (HTA) on 8 July 2014. Your email outlined the following request:

“I write with a revised request for information.

My request is as follows:

* Please provide copies of all correspondence and communications between the HTA and officials from Hull and East Yorkshire Hospitals NHS Trust from November 4, 2011, and November 25, 2011, in relation to Christopher Alder.

* Please provide copies of all correspondence and communications between the HTA and South Yorkshire Police from November 4, 2011, and November 25, 2011, in relation to Christopher Alder.

* Please provide copies of all internal correspondence and communications from November 4, 2011, and November 25, 2011, in relation to Christopher Alder.

I look forward to a response within the statutory time limit.”

The email followed the HTA’s response to your initial information request, which was found to be exempt from release by virtue of section 12 FOIA.

Response

We have carried out a search of all emails held in active accounts on our Outlook server which were sent or received between 4 November 2011 and 25 November 2011 inclusive, using the search term 'Alder' and excluding the terms 'Alderhey' and 'Alder Hey'.

We have also conducted a search of all correspondence and communication stored in our internal databases, known as CRM and IMPACT, which was sent or received between 4 November 2011 and 25 November 2011 inclusive. Correspondence and communication stored in these databases generally includes emails, letters and telephone call logs tracked against licensed establishments, incident reports and licensing documents, such as applications and inspection reports. To respond to your request we have carried out a search of all correspondence and communication tracked against the licence of Hull Royal Infirmary (licence number 12170) between 4 November 2011 and 25 November 2011, inclusive.

These searches returned the information contained in the 24 PDF documents attached to this letter, which we are releasing in response to your information request.

Section 40 and section 41 Freedom of Information Act (FOIA)

In reviewing the information you have requested, we noted some of the documents contain information which is exempt by virtue of the fact that it is personal data, disclosure of which would be unfair to the individuals concerned.

Section 40(3)(a)(i) FOIA provides that information is absolutely exempt if its disclosure would breach any of the Data Protection Act's data protection principles. Insofar as the documents contain information relating to identifiable staff members from the HTA and external organisations, we have concluded that disclosure under FOIA would breach the first data protection principle. This is because disclosure of this personal data is not necessary in the public interest and, further, it would be unfair to the individuals concerned, who could have no expectation that relevant information relating to them would be made public.

In accordance with section 40 FOIA, the documents attached to this letter have been redacted so they do not include personal information, such as names of staff (other than those in senior positions) and direct contact details for any staff member.

Section 42 Freedom of Information Act (FOIA)

Some of the correspondence and communications which took place between 4 November 2011 and 25 November 2011 include information which is legally privileged, as it constitutes legal advice provided to the HTA by its in house legal adviser. By virtue of section 42 FOIA, the HTA is not obliged to disclose information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Section 42 is a qualified exemption and can therefore be relied on only where the public interest in applying the exemption outweighs the public interest in disclosure. The very considerable public interest in protecting the principle of legal privilege is, however, well established. While we recognise that there is, of course, a public interest in transparency generally, in this case the HTA has formed the view that there is insufficient public interest in the information concerned to outweigh the public interest in maintaining legal privilege.

Further information

If you are unhappy with the way the HTA has handled your request for information in this case, you may in the first instance ask us for an internal review by writing to us at the above postal or email address. If you remain dissatisfied with the handling of your request or complaint, 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,

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