

Human Tissue Authority
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Date 16 December 2016

Dear [REDACTED]

Freedom of Information request

Thank you for your request for information under the Freedom of Information (FOI) Act, which was received by the Human Tissue Authority (HTA) on 18 November 2016. Your email outlined the following request.

Following the High Court's cryonics judgment released today, I understand that you have been sent:

- *a copy of all the case papers, and*
- *a note from the relevant NHS trust detailing the death of the subject*

on condition that the identity of the subject, the family and the NHS trust remain confidential.

Under FOIA, please could you provide me with an electronic copy of:

- *the note from the NHS trust detailing the death of the subject, and*
- *an index or list of the other case papers.*

Response

I can confirm that we do hold this information.

The information you have requested is exempt from disclosure under section 44(1)(c) of the FOI Act. This is because the documents provided to us relate to private proceedings and therefore the Family Procedure Rules 2010 apply. Rule 12.73 prohibits the disclosure of information relating to proceedings unless in specific defined circumstances (for instance the disclosure is to a party in the case or with the permission of the court). Any disclosure that is in breach of rule 12.73 would constitute contempt of court.

Section 44 is an absolute exemption and there is therefore no requirement for us to consider the public interest.

In addition, we consider that the index of case papers is exempt from disclosure under section 32(1)(a) of the FOI Act. This is because it constitutes information contained in a document filed with the court for the purposes of the proceedings.

Section 32 is an absolute exemption and there is therefore no requirement for us to consider the public interest.

Further information

The HTA generally provides an internal review procedure to enable you to complain to us if you are dissatisfied with our response to your request. However, on this occasion the decision to apply the section 44 exemption has been taken at a senior level and therefore we do not believe an internal review would be appropriate. Accordingly, if you are dissatisfied with the handling of your request, you may apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

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

