

Human Tissue Authority
151 Buckingham Palace Road
London
SW1W 9SZ

Tel 020 7269 1900

Web www.hta.gov.uk

Web www.hta.gov.uk

Email enquiries@hta.gov.uk

Date 6 February 2017

Dear [REDACTED]

Freedom of Information request

Thank you for your enquiry, which we received by email on 7 January 2017. We confirmed on 9 January that we would be treating it as a request for information under the Freedom of Information Act (FOIA). Your email outlined the following request:

“It saddens me to have to contact you again in reference to my case against [REDACTED] It has gone past the given time for [REDACTED] to reply to my complaint [REDACTED], I have written to them formally again which will fall on their deck on Monday 9th January 2017 recored delivery.

I have requested the report in to what went wrong, as you have the report, I am now requesting a copy of that report from you, what they have sent you and your action taken to resolve this from happening again.”

Response

As I discussed with you today, the HTA holds the report that you have requested, and has written to [REDACTED] regarding the incident.

This letter is to inform you that we wish to extend our review of your request, to determine whether the balance of the public interest lies in the use of Section 31 FOIA exemption (more detail below), or, to the release the report and the letter regarding that report. As a result, I am obliged to issue you with this refusal notice in regard to your request.

Section 31 exemption

Section 31(1)(g) of the FOIA provides a qualified exemption for, “the exercise by any public authority of its functions for any 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”.

The HTA’s ongoing position is that to disclose information submitted to us as part of investigations would have an adverse impact on the likelihood of incidents being reported to us and on the quality of any submitted documentation. Furthermore, to release such reports would be likely to result in those that submit reports providing us with more guarded information, as they might fear adverse publicity, which could in turn become a risk to public safety.

Our assessment is that by deterring the submission of detailed reports and frank information, because of the prospect of disclosure, we would clearly prejudice our supervisory functions, and would make it more difficult for us to establish whether formal regulatory action is required in specific cases.

As the HTA has not released a report from a licensed establishment on an incident before, we are treating our consideration of your request as an exceptional circumstance, under Section 10(3) of the FOIA.

As I discussed with you today, we intend to provide you with a final response within ten working days of today’s date, which will be Monday, 20 February 2017.

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

