

Human Tissue Authority
151 Buckingham Palace Road
London
SW1W 9SZ

██████████
By email to ██████████

Tel 020 7269 1900
Web www.hta.gov.uk
Email enquiries@hta.gov.uk
Date 29 May 2018

Dear ██████████

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 3 May 2017. Your email outlined the following request:

I would like to ask the HTA for the following information under the FOI Act 2000.

For each of the last five years:

:: How many investigations has the HTA conducted into an allegation or complaint made under or relating to Section 32 of the Human Tissue Act 2004, namely Prohibition of commercial dealings in human material for transplantation?

:: How many of those investigations, or other investigations in which the HTA was consulted, have resulted in sanction by or on behalf of the HTA, including prosecution?

:: For each investigation, please detail the type of tissue alleged to have been illegally used - eg heart, kidney, liver.

:: Where there was a prosecution, please provide the date and the charge. Where there was a conviction, please also provide the name of the convicted defendant.

Response

The HTA regulates organisations that remove, store and use human tissue for research, medical treatment, post-mortem examination, education and training, and display in public. We also give approval for organ and bone marrow donations from living people.

When information is received that indicates that a criminal offence may have been committed, this is managed through the HTA's regulatory processes where it is possible to do so. The aim of this is to seek to establish the facts of the case and to gather enough information to reach a decision about whether the activity identified appears to be a criminal offence.

HTA policy is to refer potential breaches of human tissue legislation to the appropriate police force for investigation, and the decision on whether to refer is taken by the Senior Management Team. If the decision is taken to refer a potential breach, the HTA uses its limited powers of investigation to assist the police where this is required; the HTA does not take forward prosecutions.

For the purpose of your request, the HTA has looked at cases where consideration has been given to whether a police referral should be made. There are four occasions where police referrals have been made relevant to offences under Section 32 of the Human Tissue Act (2004).

We have interpreted your request for each of the last five years to include 1 January 2013 – 31 December 2017.

The number of cases relevant to Section 32 considered for police referral in that time period was eight. Of those, a decision was made to refer four to the police.

Number of police referrals for each of the last five years:

2013	No police referral made
2014	One police referral made
2015	No police referral made
2016	One police referral made
2017	Two police referrals made

In each of the cases where a referral was made to the police, the circumstances were different and do not necessarily mean a tissue type has been illegally used, we have therefore not provided this information.

None of these referrals has resulted in sanction by or on behalf of the HTA. We are not aware of any prosecutions that have taken place in relation to Section 32 of the Human Tissue Act (2004) in the last five years.

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.

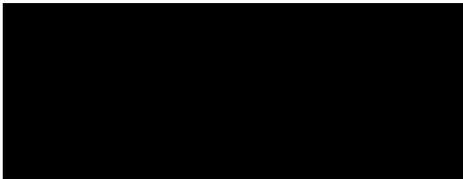
If you remain dissatisfied with the handling of your request or complaint, you have the right to appeal directly to the Information Commissioner for a decision, at the address below. There is no charge for making an appeal.

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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