

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 18 August 2015

**Public Authority:** The Department of Health (DoH)  
**Address:** 79 Whitehall  
London  
SW1A 2NS

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information relating to the Morecambe Bay Investigation (MBI). The DoH said that it did not hold the information requested by the complainant under section 1(1)(a) FOIA.
2. The Commissioner considers that the DoH was correct to confirm that it did not hold the requested information under section 1(1)(a) of the FOIA.
3. The Commissioner requires no steps to be taken.

#### **Request and response**

---

4. On 22 March 2015 and 2, 7 and 9 April 2015, the complainant requested copies of certain interview transcripts (detailed in the Confidential Annex to this Notice) relating to the MBI.
5. On 7 May 2015 the DoH responded. It said that it held no information relevant to the request, as it has not yet received the official records from the MBI investigation team. It explained that the Investigation team is continuing to deal with outstanding matters relating to the investigation Report, with families, interviewees and interested organisations. It confirmed that the papers were due to be transferred to the DoH in June.
6. The complainant requested an internal review on 7 May 2015. The DoH sent the outcome of its internal review on 11 June 2015. It confirmed that it does not currently hold the information requested as the relevant

papers had not been transferred to the DoH from the MBI.

## **Scope of the case**

---

7. The complainant contacted the Commissioner on 6 May 2015 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the DoH was correct to confirm that it does not hold any information relevant to the scope of the request under section 1(1)(a) FOIA.

## **Reasons for decision**

---

9. Section 1(1)(a) of FOIA states that, "Any person making a request for information to a public authority is entitled – to be informed in writing by the public authority whether it holds information of the description specified in the request".
10. The DoH confirmed that it does not yet hold the information that the complainant has requested. It said that currently, the papers are still held by the MBI and are due to be transferred to the DoH shortly. It confirmed that the complainant had been informed that the DoH will contact him to inform him when the Investigation's papers have been transferred to the DoH.
11. The DoH said that it has also explained that there has been some slippage to the expected transfer date as the Investigation team is continuing to deal with outstanding matters relating to the Investigation report, with families, interviewees and interested organisations. It summarised that the current position is that the DoH is due to receive the papers very shortly and the complainant has been informed that he will be contacted once the papers have been received.
12. The Commissioner considers that on the balance of probabilities, the requested information is not held by the DoH.

## Right of appeal

---

13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**