

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 November 2022

Public Authority: Department of Health and Social Care (DHSC)
39 Victoria Street
London
SW1H 0EU

Decision

1. The Commissioner's decision is that DHSC does not hold any further information within scope of the complainant's request for correspondence between Owen Paterson and Lord Bethell and Matt Hancock about Covid and Randox Laboratories Ltd. As such, DHSC complied with section 1(1) of FOIA but breached section 10(1) as it did not comply with section 1(1) within 20 working days.

Request and response

2. The complainant made the following information request to DHSC on 9 November 2021:

"...1...Between 1 March 2020 and 1 August 2020 did Owen Paterson, the then MP for North Shropshire write to and or communicate with either Lord Bethell and or Matt Hancock, the then Secretary of State. Please note that I am only interested in that correspondence and communication which in any way relates to any and or all of the following.

(i).....The threat to public health posed by covid and the government's proposed and or actual response to that threat.

(ii)...The tendering process for NHS and or Department of Health contracts including but not limited to covid related contracts.

(iii)...The firm Radox and or its areas of expertise and or its products and or its services and or how it might be able to assist in the fight against covid.

(iv)...Radox's interest in specific Department of Health and or NHS contracts including but not limited to covid related contracts.

(v)...Radox's interest in covid related contracts irrespective of whether the Department has any involvement in the awarding of those contacts.

(vi)...How the department may be able to assist Radox in its bid to win covid related contracts.

If the answer to the above question is yes, can you, please provide copies of this correspondence and communication.

2...Between 1 March 2020 and 1 August 2020 did either Lord Bethell and or Matt Hancock write to and or communicate with Owen Paterson. Please note that I am only interested in that correspondence and communication which in any way relates to any and or of the issues and subject areas listed in question one. If the answer is yes, can you, please provide copies of this correspondence and communication.

3...Between 1 March 2020 and 1 August 2020 did Lord Bethell and Matt Hancock write to and or communicate with each other about Owen Paterson and or his representations on behalf of Radox. If the answer is yes, can you, please provide copies of this correspondence and communication. Please note that I am interested in receiving both sides of the correspondence and communication. This will include Lord Bethell's correspondence and or communications to/with Matt Hancock and Mr Hancock's correspondence and or communications to/with Lord Bethell.

4...If documentation relevant to this request has been destroyed can you identify which correspondence and communication has been destroyed and why. In the case of destroyed correspondence and communication which is held in another form can you please provide copies of that correspondence and communication.”

3. DHSC's final position was to direct the complainant to where relevant information is published¹ and to advise it holds no other information within scope of the request.

Reasons for decision

4. This reasoning covers whether DHSC holds further information relevant to the request and the timeliness of its response.
5. Under section 1(1) of FOIA a public authority is obliged to confirm whether it holds information an applicant has requested and to communicate that information to them if it is held and is not exempt information. Section 10(1) of FOIA obliges the authority to comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
6. The complainant has requested between communications between Owen Paterson, Lord Bethell and Matt Hancock about Covid, Covid-related contracts and Randox Laboratories Ltd. In its response of 13 April 2022 DHSC directed the complainant to 'Government response to a Humble Address Motion on Randox contracts', published on 3 February 2022. As well as notes, advice, comment and briefing, this paper also includes copies of direct communications and emails, including to and from the parties referred to in the request.
7. In its internal review of 31 May 2022, DHSC confirmed that it holds no further, relevant information other than what has been published and that no relevant information had been destroyed.
8. The complainant considers DHSC holds further information but has not put forward any reasoning to support this view. The Commissioner has reviewed the published material and he will accept, on the balance of probabilities, that DHSC holds no other information within scope of the request. DHSC responded well outside the 20 working day requirement, however, and so breached section 10(1) of FOIA.

¹ <https://www.gov.uk/government/publications/government-response-to-humble-address-motion-on-randox-contracts>

Right of appeal

9. 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@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

10. 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.
11. 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF