

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 June 2015

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

Decision (including any steps ordered)

1. The complainant has requested the minutes of two meetings held between Jeremy Hunt and Kaiser Permanente in January and March 2014. In addition, he requested communications held between Jeremy Hunt, and his special advisers and Kaiser Permanente representatives. 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 any information under section 1(1)(a) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires no steps to be taken.

Request and response

4. On 7 November 2014 the complainant requested information of the following description:

"I would like the minutes of two meetings held between Jeremy Hunt and Kaiser Permanente in January and March 2014. In addition, I would like communications held between Jeremy Hunt, and his special advisers and Kaiser Permanente representatives. The search should be between November 2013 to June 2014 and include but not be exclusive to Accountable Care Organisations."

5. The DoH responded to the request on 5 December 2014, it denied holding the requested information.

6. The complainant requested an internal review. The DoH sent the outcome of its internal review on 16 February 2015. It revised its position. It confirmed that it did hold information relevant to the scope of the request but it said it was exempt from disclosure by virtue of section 35(1)(d) of the FOIA.

Scope of the case

7. The complainant contacted the Commissioner on 13 January 2015 to complain about the way his request for information had been handled.
8. During the course of the Commissioner's investigation, the DoH explained that the information that had been withheld under section 35(1)(d) FOIA didn't actually fall within the scope of the request. It therefore reverted to its earlier position and confirmed that no information was held relevant to the scope of the request.
9. 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

10. 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".
11. The DoH explained that it had identified some information at internal review stage that had been considered as falling within scope of the request and to which it applied section 35(1)(d) FOIA. It said after careful consideration, it confirmed that the information it holds does not actually fall within scope of the request.
12. It explained that the Secretary of State did meet a former employee of Kaiser Permanente between January 2014 and March 2014. However, the individual had relevant expertise on primary care including in the NHS and was not representing any organisation or company.
13. It said that these meetings were incorrectly shown as being with a representative of Kaiser Permanente on the 1st January – 31st March

2014 publication of Ministerial gifts, hospitality, overseas travel and meetings with external organisations published on the DoH's website. It said that this misinterpretation of the individual's role caused confusion when it was considering the information held. It confirmed that this has now been corrected and the record updated with the name of the individual rather than stating a "representative of Kaiser Permanente".

14. The Commissioner considers that the information relating to Ministerial gifts, hospitality, overseas travel and meetings with external organisations published on the DoH's website erroneously suggested that a meeting had occurred with a representative of Kaiser Permanente. The DoH has confirmed that the meeting, that was held in January-March 2014 was with a former employee of Kaiser Permanente, and not therefore with a representative of this company. It has said that this mistake has now been corrected. As a meeting with Kaiser Permanente did not occur in January-March 2014, the Commissioner is satisfied, on the balance of probabilities, that the requested information is not held. The DoH also confirmed that it does not hold any information regarding: "communications held between Jeremy Hunt, his special advisers and Kaiser Permanente Reps between Nov 13 to June 14" which followed wider searches undertaken at internal review stage of the FOIA process. The Commissioner also considers, on the balance of probabilities, that this wider information is not held.

Right of appeal

15. 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

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

16. 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.
17. 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
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