

Message

From: [Code A] [/O=DOH/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ADOOLE29F]
Sent: 24/07/2013 17:05:30
To: [Code A] [/O=DOH/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/[Code A]]
Subject: FW: Peter Walsh IR 782924 24.07.2013 for GK
Attachments: Peter Walsh IR 782924 24.07.2013 for GK.docx

[Code A]

Can we discuss, please so you are sighted on the issues.

Thanks Tony

[Code A]

Senior Casework Manager
 Freedom of Information Team

[Code A]

[Code A]

Sent: 24 July 2013 18:01
To: Vittery, Claire; Hetherington, Gerard
Cc: Tempest, Gary
Subject: FW: Peter Walsh IR 782924 24.07.2013 for GK

Claire (Gerard)

We spoke yesterday about some concerns I had with the progress of the submission going to Ministers, which followed my earlier discussion with Shareena Merzi. You may recall that Shareena was arranging for Number 10 to be involved in the approval/clearance for publication and the specific date.

I explained the “bigger picture” backdrop of the Mid Staffs, the LCP reports with you iro other similar reports that had gone into the public domain recently, and how this presents the Department (both to the public and our regulator, the ICO) if we continue to delay these decision on a publication date.

DH Legal are unhappy that the draft submission has still not yet been finalised and put forward to Ministers. Section 22 (1)(C) of the FOIA provides that a PA (in this case, the DH) has a right to decide upon a publication date. However, the key issue in properly engaging the exemption here is whether DH can defend whether the publication and its specific date is in reality “a reasonable interval” in all the circumstances.

If we are unable to secure a decision on a specific date that is a “reasonable interval”, the advice from DH Legal is that we should move to publication as a matter of urgency. Otherwise, the DH risks a legal Decision Notice being issued on a public website (the ICO’s) that will show the DH has had to be ordered to release the report. This lack of a date would leave us with little to mount any appeal against the decision of the ICO.

Happy to discuss with you and Gerard on a joint telecon tomorrow if that is helpful. In the meantime, may I ask you to provide me with a copy of the draft Annex (Media Handling Plan) to the submission for my records.

[Code A]

Senior Casework Manager
 Freedom of Information Team

Code A

From: Code A PROFESSIONAL SERVICES DHLSD Code A
Sent: 24 July 2013 17:13
To: Code A
Subject: RE: Peter Walsh IR 782924 24.07.2013 for GK

Code A

As it appears that there are serious questions about whether this will be published and certainly about whether or be published shortly, I do not think we can say this.

Indeed I think section 22 is increasingly looking not to be available, as it looks as though there will be unreasonable delay by the Department in publication. In which case we must release the report to the FOI request,

Code A

Code A EU & Information Law
DH Legal Services;
Professional Services Group; DWP

Code A

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-----Original Message-----

From: Code A
Sent: 24 July 2013 16:46
To: Code A PROFESSIONAL SERVICES DHLSD
Subject: Peter Walsh IR 782924 24.07.2013 for GK

Code A

This draft has not yet gone to Gerard for his OK, but thought it apt to put it to you for advice/comment initially.

Any thoughts?

Thanks Code A

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