

	Ministry of JUSTICE	Data Access and Compliance Unit 6 th Floor 102 Petty France Point 6.25 London SW1H 9AJ <div style="border: 1px dashed black; padding: 2px; display: inline-block;">Code A</div> E-mail: <div style="border: 1px dashed black; padding: 2px; display: inline-block;">Code A</div> www.justice.gov.uk
	Ms Nina Lakhani <div style="border: 1px dashed black; padding: 2px; display: inline-block;">Code A</div>	
	Our Ref: 59436	25 th August 2010

Dear Ms Lakhani

SUBJECT: Freedom of Information Request

Thank you for your letter of 7th May 2009, in which you asked for copies of all documents, minutes, official communication, emails and letters between the Hampshire Coroner, Mr David Horsley, and the Ministry of Justice, with regards to deaths at Gosport War Memorial Hospital.

Your request has been passed to me because I have responsibility for answering requests which relate to the Ministry of Justice (MoJ) and your request has been handled under the Freedom of Information Act 2000 (FOIA).

In the first instance, please accept our sincere apologies for the length of time it has taken to provide you with a response. We hope that it has not caused too much inconvenience.

I can confirm that the Department holds the information you are seeking and is held in a redacted format. I have attached a copy of the documents, for your reference. Please note that some of this information contains personal information relating to third parties and is therefore exempt under section 40 (personal information) of the Freedom of Information Act (FOIA). Section 40(2) provides that personal data about third parties is exempt information if one of the conditions set out in section 40(3) is satisfied. Under the FOI Act, disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person/is confidential.

Further information held by the MoJ includes a copy of the Police Report which is held by Hampshire Constabulary regarding the investigation. However, please note that this information is withheld under section 31 (a) (b) and (c) of the FOI Act.

Section 31 (a) (b) and (c) is a 'qualified exemption' under the Act and is subject to a 'public interest test'

Arguments in Favour of Disclosure

This would help keep the public informed about the ways in which the police carry out their responsibilities.

Arguments against of Disclosure

Hampshire Police are still in the process of considering whether there has been improper conduct and/or a contravention in the law. Disclosure of the report could prejudice the prosecuting authorities in the exercise of their functions, and compromise the outcome of the on-going investigations.

The effective relationships between the different agencies involved in the report could lead to a breakdown of co-operation if communications were disclosed as agencies are less likely to disclose confidential information if they thought there was a risk that it could be put in the public domain.

It is my view that, on balance, the public interest is better served by withholding this information under Sections 31 (a), (b) and (c) of the FOIA at this time.

As part of our obligations under the FOIA, the MoJ has an independent review process. If you are dissatisfied with this decision, you may write to request an internal review. The internal review will be carried out by someone who did not make the original decision, and they will re-assess how the Department handled the original request.

If you wish to request an internal review, please write or send an email to the Data Access and Compliance Unit within two months of the date of this letter, at the following address:

Data Access and Compliance Unit
Information Directorate
Ministry of Justice
6th Floor, Zone B
Post point 6.25
102 Petty France
London
SW1H 9AJ

E-mail: data.access@justice.gsi.gov.uk

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office under Section 50 of the FOIA. You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Internet: https://www.ico.gov.uk/Global/contact_us.aspx

Yours sincerely

Code A

Data Access & Compliance Unit