

**Broughall, Debbie**

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**From:** Code A  
**Sent:** 13 March 2009 10:06  
**To:** Pang, Hannah  
**Subject:** FW: FOI-393 Freedom of Information Act Request from BBC TV in Southampton  
**Importance:** High

Hi Hannah

Elaine tells me you are looking after this while Debbie is away.

Kiran is giving us a form of words to go in the letter (see below). If this isn't clear, you'd better check with Elaine as I don't know enough about it.

Regards

Code A  
Project Officer (GWMH)  
NHS Hampshire

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**From:** Kiran Bhogal Code A  
**Sent:** 13 March 2009 09:39  
**To:** Williams, Elaine  
**Cc:** Broughall, Debbie; Code A  
**Subject:** FW: FOI-393 Freedom of Information Act Request from BBC TV in Southampton  
**Importance:** High

Elaine

Sorry didn't get back to you yesterday. Left here at midnight due to the ethical case I mentioned and back in court this morning. Re the response which needs to go out today - in response to

Q 1 suggest we say:

*Disclosure of documentation to the Coroner is taking place through our legal advisors and having checked with them we are advised that this process remains to be completed and will be a continuous process up to and during the inquests. We are unable therefore to confirm whether or not the specific document to which you refer has been disclosed or will be disclosed to the Coroner.*

I suggest we take this line as whilst I know what Debbie is saying it could be interpreted as meaning that the particular document is part of the documentation that has been provided to the coroner and I don't want to inadvertently leave a possibly inaccurate interpretation. Reality is that at this point at least it won't form part of the documentation for the inquest but this may of course change and we need to keep in mind the possibility of this and the potential impact upon the Coroner's inquiry in the even that it is provided before the inquests open and then has to be disclosed

Q2 response is fine

18/03/2009

Kiran

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**From:** Broughall, Debbie; [Code A]  
**Sent:** 10 March 2009 16:00  
**To:** Kiran Bhogal  
**Cc:** Williams, Elaine; [Code A]  
**Subject:** RE: FOI-393 Freedom of Information Act Request from BBC TV in Southampton  
**Importance:** High

Kiran

Are we able to answer these further questions please? I'm aware that I am on leave from tomorrow for a week and that [Code A] is away until Thursday - I advised the applicant on Friday that we were consulting with our legal team and would respond early this week.

From your advice would the following draft response be appropriate?

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In rejecting my first request for the 1991 Internal management report you place an exemption under Section 31 (c) of the Act. In reaching this decision, can you specifically tell me whether you have established if the report has been disclosed to the Coroner for the forthcoming inquests?

**I am advised by our legal counsel that this report forms part of the documentation for the forthcoming inquest and they are still in the process of providing information to the Coroner.**

You say that any post-inquest release of this information would have to be considered at a later date. Please could you explain why this cannot be considered now. With the conclusion of the inquests estimated to be just six or seven weeks away, one solution would be to examine releasing information on the day the inquests conclude.

**The Public Interest Test undertaken by Hampshire PCT in considering the possible release of the information requested prior to the conclusion of the inquests demonstrated that to release only part of the whole of the information related to these inquests at this stage could:**

- project an unbalanced perspective to the public when viewed out of context
- have the potential to influence the Jury
- Impact on the Coroner's role, distracting public attention from the whole of the Inquiry thus impeding his role in achieving a fair verdict
- Discourage witnesses to provide full responses in anticipation of further public release

**As previously stated Hampshire PCT is willing to reconsider at a future point in time such as at the finalisation of the inquests.**

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Your advice welcome. Many thanks.

Kind regards

Debbie

Debbie Broughall  
 Freedom of Information Officer  
 Hampshire PCT  
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 Area Office Reception Tel: [Code A]  
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18/03/2009

Email: [Code A]

Hampshire PCT Freedom of Information Email: [Code A]

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**From:** Kiran Bhogal [Code A]  
**Sent:** 05 March 2009 15:47  
**To:** [Code A]  
**Cc:** Broughall, Debbie  
**Subject:** RE: FOI-393 Freedom of Information Act Request from BBC TV in Southampton

No not at the moment. I was just checking what document it was we were labelling as the internal management report. I will come back to you with further thoughts/comments

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