

22 September 2009

Our Ref: IAT/F09/2249/ME

**General
Medical
Council**

Ms Maggie Ward

Code A

5th Floor, St James's Buildings
79 Oxford Street, Manchester M1 6FQ

Telephone: 0845 357 8001
Facsimile: 0845 357 9001
Email: gmc@gmc-uk.org
www.gmc-uk.org

Dear Ms Ward

I refer to your email of 1 May 2009 addressed to my colleague, Juliet St Bernard. I apologise for the long delay in responding to you.

In your e-mail you ask that you be supplied with a number of items including the medical records of Norma Windsor, a copy of which we hold. I have now had the opportunity to consider your request in accordance with the provisions of the Freedom of Information Act 2000 (FOIA). Having done so, I can confirm that we consider that an exemption set out in the FOIA will apply to the information you have requested. The exemption that applies is:

Section 21 of the FOIA – Information accessible to applicant by other means. This relates to information requested which is reasonably accessible to the applicant even though it may be accessible only on payment.

I can confirm that the exemption I have outlined above is an absolute exemption and, therefore, is not subject to a public interest test (in order to assess if the public interest is greater served by disclosing the information than maintaining the exemption). I can also confirm that, in accordance with the FOIA, this letter acts as a refusal notice regarding this part of your request.

You have a right of appeal against this refusal notice. If you would like to appeal please set out in writing the grounds of your appeal and send it to:

Julian Graves
Information Access Manager
General Medical Council
St James's Buildings
79 Oxford Street
Manchester M1 6FQ

Alternatively you can email **Code A**

You also have a further right of appeal to the Information Commissioner. If applicable, Mr Graves will provide details of how to appeal to the Information Commissioner.

It is my understanding that you will have access rights to these medical records via the Access to Health Records Act 1990. There is information about this on the website of the Department of Health (www.dh.gov.uk).

In your e-mail you also ask for copies of expert reports obtained by the police, a letter of complaint to Portsmouth Health Trust, and statements provided to the police by various members of your family. In accordance with Section 1(1)(a) of the FOIA I can confirm that we do not hold any of this material

Once again, I apologise for the delay in responding to you.

Yours sincerely

Code A

Information Access Team
Registration and Resources Directorate
Direct Line: Code A
E-mail: Code A@gmc-uk.org