

MARK HOBAN M.P.



HOUSE OF COMMONS

LONDON SW1A 0AA

C R Stewart-Farthing

Code A

28 January 2008

Dr Mr Stewart-Farthing

Following our meeting last Friday, I have now had an opportunity to look at the application of the Freedom of Information Act to evidence gathered during a police investigation.

I do appreciate why you are keen to see the evidence that the police took from the 35 healthcare professionals as well as the report written by Professor Baker on the mortality rates at Gosport War Memorial Hospital.

Under the Freedom of Information Act you have the right to request information held by public authorities. This includes the Hampshire Constabulary and the Department of Health. A Freedom of Information request must be made in writing to the relevant body and should include an address for correspondence as well as a description of the information requested.

The Act does recognise, however, that there will be valid reasons why some kinds of information may be withheld. For example, section 30 in the Act creates an exemption for information which is or has been held for the purposes of a criminal investigation. This exemption may be used as a reason to reject your Freedom of Information request.

Section 30 is, however, a qualified exemption. This means that even though information may be exempt, the public authority must consider whether it is in the public interest to disclose it. This will involve weighing the harm that may be caused to an investigation against the wider public interest in disclosure. A critical issue is likely to be the timing of the disclosure. It is harder to justify the public interest case for disclosure whilst there is an ongoing case than it would be when it is closed.

Vanessa Sillcox

If your Freedom of Information request is turned down, for instance on the basis of section 30, you should ask the relevant body to review their decision. If you are still unhappy with the way the request has been dealt with you can complain to the Information Commissioner's Office. Their role is to enforce and oversee the Freedom of Information Act and to resolve eligible complaints from people who think their rights have been breached.

I hope this information is of help to you.

Yours sincerely

Code A

I would like to ^{have said} say thank you for your
lack of interest in this matter and non-cooperation,
but I don't think it could be justified.