

Charles Farthing

From: <Code A>
To: <Code A>
Sent: 21 July 2009 09:26
Subject: Your FOI Request: Our ref: DE00000424717

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Dear Mr Stewart-Farthing

Thank you for your email of 24 June asking, under the Freedom of Information Act (FOIA), for copies of all documents, minutes, official communication, emails and letters to and from the Department of Health which refer to the report by Professor Baker into deaths at Gosport War Memorial Hospital dated between 1 June 2003 and 31 December 2003. I can confirm that we hold information falling within the terms of your request.

The FOIA obliges us to respond to requests promptly, and in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to the information and the public interest test is engaged, the Act allows the time for response to be longer than 20 working days, and a full response must be provided within such time as is reasonable in all circumstances of the case. We do, of course, aim to make all decisions within 20 working days, including in cases where we need to consider where the public interest lies in respect of a request for exempt information. In this case, however, we have not yet reached a decision on where the balance of the public interest lies.

We estimate that it will take an additional 20 working days to take a decision on where the balance of the public interest lies. Therefore, we plan to let you have a response by 19 August. If it appears that it will take longer than this to reach a conclusion, we will keep you informed.

The specific exemption which we consider applies in relation to your request is provided for in Section 31(1) and (2), which relates to information whose release could be prejudicial to the administration of justice, or to the exercise by any public authority of its functions of ascertaining whether any person has failed to comply with the law, or is responsible for any conduct which is improper.

I am sorry to be unable to be more helpful at this stage. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Head of the Freedom of Information Team
Department of Health
Room 317
Richmond House
79 Whitehall