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**General
Medical
Council**

12 May 2011

Our ref: F11/3778/JM

3 Hardman Street
Manchester M3 3AW**Code A**Telephone: 0161 923 6200
Facsimile: 0161 923 6201
Email: gmc@gmc-uk.org
www.gmc-uk.org**[By email only]**Dear **Code A****Freedom of Information Act 2000 – Request for Information**

Thank you for your email of 5 May 2011 in which you request a copy of Professor Baker's report into the deaths of patients at Gosport War Memorial Hospital.

I confirm that your request has been considered in accordance with the Freedom of Information Act 2000 (FOIA).

Whilst I can confirm that the GMC hold a copy of the report you request we believe that the document itself is exempt from disclosure to you via the access provisions of the FOIA. The exemption that we believe applies is:

Section 31(1)(g) leading to (2)(a), and (b) – Law Enforcement. This relates to situations where the disclosure of information, would or would be likely to, prejudice 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. In applying this exemption we have taken into account that an inquest is still outstanding in respect of the death of one of the patients who died at Gosport War Memorial Hospital

This exemption is 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). In this instance we believe that the public interest in withholding the information outweighs the public interest in disclosure. While we recognise a legitimate public interest in the disclosure of the report we have balanced this against the need for the outstanding inquest to proceed without potential evidence, which may be material to the outcome of those proceedings, being open for debate in a wider public forum before the conclusion of those proceedings.

You have the right of appeal against this decision. If you wish to appeal please set out in writing your grounds, and send to Julian Graves, Information Access Manager, at the address at the top of this letter or email: **Code A**

You also have the right of appeal to the Information Commissioner, the independent regulator of the DPA. If appropriate, Mr Graves will provide the relevant contact details.

Yours sincerely

Code A