

Code A

31525912

3886

From: Code A
Sent: 06 April 2010 11:10
To: Code A
Subject: RE: Request for testimonials - Jane Barton case

Our ref: Code A

Dear Mr Wilson

I write regarding your request for a copy of the testimonials handed to the Panel during Dr Barton's Fitness to Practise Panel hearing. Your request has now been considered in accordance with the Freedom of Information Act 2000 (FOIA). I sincerely apologise for the substantial delay in responding to your request.

In our telephone conversation of 10 March 2010 I mentioned that we were considering anonymisation of the testimonials, due to personal information, such as health details, being contained within those letters.

However, we are also considering other requests for information held on this case. As part of this process, we are obliged to consult other organisations and individuals. As a result of this, Hampshire Constabulary has asked us not to disclose any information on Dr Barton's case pending completion of a review of the hearing transcripts by the Crown Prosecution Service.

As we would not wish to take any action that might prejudice the outcome of this review, and as the letters of support provided to the Panel by Dr Barton's defence constitute part of the case, we consider this information to be exempt from disclosure in accordance with the following exemption listed in the FOIA:

Section 31(1)(a) of the FOIA – Law enforcement. This relates to information requested which if disclosed, would, or would be likely to, prejudice the prevention or detection of crime.

This exemption is subject to a public interest test. Hampshire Constabulary has made clear that they would not wish us to disclose any case material until completion of the CPS review. In light of these comments, we believe that the public interest lies in allowing the normal progress of this review, and therefore in maintaining this exemption.

In your telephone call you raised concerns about the legitimacy of the letters. The majority of the letters were requested by, or supplied to, Dr Barton's solicitors, not the GMC. Any unsolicited letters received by the GMC were forwarded on to Dr Barton's solicitors. Although we understand your reasons for making this request, we do not feel we are able to disclose the letters, anonymised or otherwise, at this stage for the reasons set out above.

I am sorry to send what will be a disappointing reply. However, you do 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 Code A. You also have the right of appeal to the Information Commissioner's Office, contact details as follows:

The Information Commissioner's Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire, SK9 5AF
 Telephone: 01625 545 700
 Website: www.informationcommissioner.gov.uk

Yours sincerely

Code A

-----Original Message-----

From: [REDACTED] Code A

Sent: 02 Feb 2010 16:25

To: Julian Graves [REDACTED] Code A

Subject: Jane barton

I have been informed that I must apply to you in my request for copies of the 184 testimonials handed to the panel sitting to consider the fitness to practice of the above named doctor by Timothy Langdale Qc. He said they were made by colleagues and patient who were aware of both the charges she was guilty off and the media attention this hearing had attracted, therefore I believe, they gave those testimonials in full knowledge and awareness that they were likely to be made public.

Therefore under the FOI act I request that you release and forward copies of the testimonials to me in their entirety. I look forward to your early response in this matter.

Iain Wilson

Sent via BlackBerry® from BT