

24 February 2011

Our Ref:

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By E-mail only

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Dear Dr Bright

Freedom of Information Act 2000 response

I write in response to your e-mail of 5 February 2011 in which you state that you would like to know the date that Dr Jane Barton applied for erasure [from the register]. Your request has been considered in accordance with the Freedom of Information Act 2000 (FOIA).

I consider that we are under no obligation to confirm or deny if we hold the information that you refer to.

Section 40(5)(b)(i) of the FOIA states that the duty to confirm or deny whether information is held does not arise if the act of confirmation or denial would breach any of the principles of the DPA. We believe that it is reasonable that correspondence that doctors have with the GMC is kept confidential and would not be released into the public domain. Therefore, we believe that to confirm or deny the existence or non-existence of the information that you refer to would breach the first principle of the DPA, which requires that the processing of personal data is fair and lawful.

You have the right of appeal against this decision. If you wish to appeal please set out in writing your grounds of appeal, and send it to Julian Graves, Information Access Manager, General Medical Council, 3 Hardman Street, Manchester M3 3AW. Alternatively you can email: You also have the right of appeal to the Information Commissioner, the independent regulator of the FOIA. If applicable, Mr Graves will provide you with details of how to make an appeal to the Information Commissioner.

Yours sincerely

Registration and Resources Directorate

Direct Line:

E-mail: