

Code A

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4116

From: Julian Graves Code A
Sent: 25 February 2011 09:13
To: Code A
Subject: Internal review of Freedom of Information request - Dr Jane Barton request for erasure - acknowledgement

Dear Code A

Your appeal below has been forwarded to me for consideration. I will consider your appeal in line with our comments and complaints procedure for information requests. This sets a target response time of 20 working days. I will endeavour to respond to you within this timeframe.

Yours sincerely

Julian Graves

Julian Graves
 Information Access Manager
 General Medical Council
 3 Hardman Street
 Manchester
 M3 3AW

Code A

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

From: Code A
Sent: 24 February 2011 23:17
To: Code A
Subject: Internal review of Freedom of Information request - Dr Jane Barton request for erasure

Dear Code A

Thank you for your reply.

I would like to request internal review.

1. There are eight principles of Data Protection Act 1998 and none would have been breached if the information requested was redacted in the document you hold. For ease of reference here is Schedule 1 of DPA 1998:

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/1>

Which Section of Schedule 1 DPA 1998 do you think would be breached if only date was supplied?

I am only interested in the date when Dr Jane Barton applied for voluntary erasure. Date of an application for voluntary erasure

cannot be construed as protected under DPA 1998 in a case such as Dr Jane Barton's very much in the public eye and of much interest. GMC's own Chief Executive stated she should have been erased from medical register.

2. Public Interest Test has not been applied when refusing this request made under Freedom of Information Act 2000.

3. Full reasons have not been supplied such as which section of DPA 1998 would be breached. Please, let me know which section of the DPA Principles, have you applied in you refusal.

4. There are exemptions (Part IV DPA 1998) to the non-disclosure of sensitive personal data. GMC is a public body and thus open to external scrutiny. Accountability does require a certain degree of openness in public view.

5. Part IV Section 32 (b) and 6 of DPA 1998 allow disclosure in this case. Please, reconsider. For ease of reference:

<http://www.legislation.gov.uk/ukpga/1998/29/section/32>

6. Section 2(2)b of FOIA 2000 has not been applied as per DBERR v. Information Commissioner and Friends of the Earth (EA 2007/0072 29-4-2008) at the time the request for information has been made.

&. When deciding to disclose or not Data Controller is advised by Information Commissioners Office to consider to what extent information is already in the public domain. It is known already that Dr Barton made the request for erasure.

Yours sincerely,

Code A

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

Dear Code A

Ref: IAT/ME/F11/3557

With reference to your e-mail of 5 February 2011, please see attached letter of today's date.

Regards

Code A

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