

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)**

**DECISION NOTICE**

**Dated**            **2005**

**Name of Public Authority:**        Medicines and Healthcare products  
Regulatory Agency

**Address of Public Authority:**    10-2 Market Towers  
1, Nine Elms Lane  
London  
SW8 5NQ

**Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 25 January 2005 the following information was requested from the Medicines and Healthcare products Regulatory Agency ("MHRA") under section 1 of the Freedom of Information Act 2000 (the "Act"):

The request was for information relating to the handling of complaints by the MHRA, and was detailed in a series of 20 specific questions attached to this Decision Notice as Annex 1.

It is alleged that:

- (1) The MHRA failed to supply the information requested by the complainant.
- (2) The MHRA did not provide the complainant with an adequate Refusal of Request within 20 working days following the date of receipt of his request.

**The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

- (1) The Commissioner recognises that following receipt of the complaint, the MHRA has now responded in writing to the questions initially raised by the complainant. In that response, the MHRA provided information in reply to the questions numbered 16-18 (inclusive). In response to the remaining questions raised by the complainant, the

MHRA confirmed that it does not hold the information requested. In the circumstances it is not appropriate for the MHRA to issue a Refusal of Request.

- (2) However, the MHRA failed to inform the complainant in writing and within 20 working days following the date of receipt of his request, whether the information specified in his request was held. In so doing, the MHRA contravened the requirements of section 10(1) of the Act. Section 10(1) states-

*“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”*

### **Action Required**

The MHRA has now confirmed that it does not hold the majority of the information requested by the complainant. Where information is held, the MHRA has communicated that information to the complainant. In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the MHRA.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the     day of                                     2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## Annex 1

1. You state in the letter dated 15 November 2004 that, "hundreds of man hours have already been spent in considering and replying to my allegations and complaints". Exactly how many man hours have been spent on "considering and replying to my allegations and complaints" (I will accept reliable approximations)?
2. What is the total cost in, for instance, salaries, administration and related costs that has been used on "considering and replying to my allegations and complaints" (I will accept a reliable approximation)?
3. How many man hours in total were spent on the Taylor/Robinson investigation from 21 November 2000 until 7 June 2001 (I will accept a reliable approximation)?
4. What is the total cost of these man hours at 3 (I will accept a reliable approximation)?
5. What were the total man hours spent on the Sir Graham Hart investigation from 29 September 2001 until 11 December 2001 (I will accept a reliable approximation)?
6. What is the total cost of these man hours at 5 (I will accept a reliable approximation)?
7. How many man hours have been used in "considering and replying to my allegations and complaints" since 11 December 2001 (I will accept a reliable approximation)?
8. How many man hours were used in "considering and replying to my request under the Code as attached dated 4 December 2002 and its reply dated 24 December 2001 (I will accept a reliable approximation)?
9. The formal response under the Code dated 24 December 2002 is signed by the Acting Chief Executive. Was the Chief Executive of the Agency or Acting Chief Executive expected in December 2002 to tell the full truth to the best of his knowledge and belief in formal responses under the Code?
10. Is the current Chief Executive of the Agency expected to tell the full truth to the best of his knowledge and belief in any formal responses to members of the public?
11. Does being told the full truth usually satisfy complainants in your experience?
12. Are the Agency aware that being told the truth usually satisfies complainants?
13. Is it to be expected that formal responses from MCA/MHRA as a result of serious complaints from members of the public are the truth, the whole truth and nothing but the truth?
14. In answering to complainants are the MCA/MHRA expected to make the full facts known to the complainant in any formal response from the Agency?
15. Are there any situations whereas known, critical and facts relevant to an official MHRA investigation will not be made known to the complainant via the formal outcome of that investigation?
16. Is there any formal written policy, procedure or otherwise that sanctions deliberate concealment of vital evidence from any MHRA formal investigations?
17. Does the Agency always endeavour at all times to tell the truth, the whole truth and nothing but the truth in "considering and replying to allegations and complaints"?
18. Is it a legal or otherwise requirement that the Agency endeavours to tell the truth, the whole truth and nothing but the truth when "considering and replying to allegations and complaints"?

19. Why have I never been sued or reported to the police for continuing and long term harassment of your Agency and some of its staff if my allegations are in any way false?
20. Why have I never been sued for libelling and making false accusations against your Agency and some of its staff if my allegations are in any way false?