

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 13 December 2022

**Public Authority:** Medicines and Healthcare products Regulatory Agency (MHRA)

**Address:** 10 South Colonnade  
Canary Wharf  
London E14 4 PU

### **Decision**

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1. The Commissioner's decision is that MHRA is entitled to withhold information associated with its Yellow Card Scheme under section 41(1) of FOIA which concerns information provided in confidence. He does not require MHRA to take any steps.

### **Request and response**

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2. The complainant made the following information request to MHRA on 11 August 2022:

"In your yellow card adverse events report dated the 4th August there is a summary of deaths following vaccination described as Table 11.

This table shows that 6 children under the age of 18 have died following vaccination can you tell me their individual ages please."
3. MHRA's final position was to refuse the request under section 40(2), which concerns personal data, and section 41(1) of FOIA.

## Reasons for decision

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4. This reasoning covers MHRA's refusal of the request under section 41(1) of FOIA.
5. In its response to the request, MHRA advised that members of the public and healthcare professionals voluntarily submit reports of suspected side effects to MHRA through the Yellow Card Scheme<sup>1</sup>. It said that, as outlined in its Privacy Policy, MHRA will not share the identity of anyone submitting a Yellow Card report with any person outside the MHRA without their explicit consent, unless it is required or permitted to do so by law. The Policy also states that MHRA may receive requests for Yellow Card report data under the Freedom of Information Act. While it is legally obliged to provide some of the requested information, it only provides high-level summary information with all person-identifiable data excluded.
6. The Commissioner has previously made a decision on a request submitted to MHRA for information associated with its Yellow Card Scheme: [IC-111457-W7C5](#). He decided in that case that the information was exempt from disclosure under both section 41(1) and section 40(2).
7. Regarding MHRA's application of section 40(2) in the current case, it is less clear how specific individuals could be identified from the requested information. However, the section 41 reasoning in the earlier decision applies equally to the current decision, such that the Commissioner does not intend to reproduce the reasoning but directs the complainant to that notice.
8. As in that earlier case, the Commissioner is satisfied that the information the complainant has requested is exempt from disclosure under section 41(1) of FOIA and it has not been necessary to consider section 40(2) on this occasion. Section 41(1) is not subject to the public interest test under sections 2(1)(b) and 2(2)(b) of FOIA, as such, but public interest considerations are included in the Commissioner's reasoning in IC-111457-W7C5.

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<sup>1</sup> <https://yellowcard.mhra.gov.uk/>

## **Right of appeal**

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9. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals  
PO Box 9300  
LEICESTER  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

10. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

## **Signed**

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**