

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 August 2015

Public Authority: General Medical Council
Address: 3 Hardman Street
Manchester
M3 3AW

Decision (including any steps ordered)

1. The complainant has requested information about doctors administratively erased from the Medical Register over the last 5 years for failing to pay the required registration fee (Annual Retention Fee (ARF)). The GMC refused to comply with the request under section 12 of the Freedom of Information Act 2000 (FOIA) as it said it would exceed the cost limit to do so.
2. The Commissioner's decision is that the DWP has correctly applied section 12 FOIA in this case.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 1 December 2014 the complainant requested information of the following description:
 1. *I request information about Doctors Administratively erased from the Medical Register.*
 2. *I specifically request information about doctors removed from the Register for "failure to pay the required registration fees."*
 3. *Please respond with numbers of doctors for each of the last 5 years?*

4. *Please separate your information into those who missed the annual payment and those who missed a monthly direct debit payment.*

"failure to pay the required registration fees [Fees Regulations 2014 \(pdf\)](#) and the failure to respond within a specified period to a letter sent by the Registrar of the GMC."

5. *How many doctors were registered with the GMC? Please give numbers for each of the last 5 years?*
6. *How many doctors were erased for 'Failure to pay registration fees?' Please give numbers for each of the last 5 years?*
7. *How many doctors, erased for 'Failure to pay registration fees' continued to work on restricted duties until back on the register? Please give numbers for each of the last 5 years?*
8. *How many doctors, erased for 'Failure to pay registration fees' were suspended on full pay until back on the register? Please give numbers for each of the last 5 years?*
9. *How many doctors, erased for 'Failure to pay registration fees' were suspended without pay until back on the register? Please give numbers for each of the last 5 years?*
10. *How many doctors, erased for 'Failure to pay registration fees,' had their contracts terminated? Please give numbers for each of the last 5 years?*
11. *How many doctors erased for 'Failure to pay registration fees' applied to return to the register? Please give numbers for each of the last 5 years?*
12. *How many doctors erased for 'Failure to pay registration fees,' who applied to return to the register had their registration restored. Please give numbers for each of the last 5 years?*
13. *How long did it take each doctor who applied to return to the register to have their registration restored? Please give numbers for each of the last 5 years?*
14. *How many doctors, erased for 'Failure to pay registration fees,' were subsequently subject to information being gathered by the GMC with the possibility of being considered for a Fitness to Practice Investigation. Please give numbers for each of the last 5 years?*

15. *How many doctors, erased for 'Failure to pay registration fees,' were the subject of a FTP investigation. Please give numbers for each of the last 5 years?*
16. *How many doctors, erased for 'Failure to pay registration fees,' who were subject to information being gathered by the GMC with the possibility of being considered for a Fitness to Practice Investigation did the GMC seek information extending beyond the 'five year period'. Please give numbers for each of the last 5 years?*
17. *How many doctors, erased for 'Failure to pay registration fees,' who were subject to a Fitness to Practise Investigation did the GMC seek information extending beyond the 'five year period'. Please give numbers for each of the last 5 years?*
18. *How many doctors, erased for 'Failure to pay registration fees,' were subsequently permanently removed from the GMC register. Please give numbers for each of the last 5 years?*
19. *How many doctors, erased for 'Failure to pay registration fees,' were removed from the GMC register for a period of time before being restored to the GMC register (please state the period of time each doctor was removed from the register). Please give numbers for each of the last 5 years?*
20. *How many doctors, erased for 'Failure to pay registration fees,' were subsequently the subject of other complaints by a) a patient, relative or member of the public b) an employer, health authority or any other regulatory body. Please give numbers for each of the last 5 years? Please state numbers for A and B*
21. *How many doctors who were removed from the register for any reason were the subject of a FTP investigation by the GMC.*
22. *How many doctors who were removed from the register for any reason were suspended without pay.*
23. *How many doctors who were removed from the register for any reason were subsequently subject to information being gathered by the GMC with the possibility of being considered for a Fitness to Practice Investigation?*
24. *How many doctors who were removed from the register for any reason were subject to information being gathered by the GMC with the possibility of being considered for a Fitness to Practice Investigation did the GMC seek information extending beyond the 'five year period'?*

25. *How many doctors who allowed their registration to lapse and were subsequently removed from the Medical Register due to administrative reasons fit into each of the following categories;*

- (i) Failure to pay registration fees and;*
- (ii) Failure to provide the GMC with up to date address*

5. On 29 December 2015 the GMC responded. It refused to comply with the request under section 12 FOIA as it said it would exceed the cost limit to do so.

6. The complainant requested an internal review on 6 January 2015. The GMC sent the outcome of its internal review on 29 January 2015. It upheld its original position.

Scope of the case

7. The complainant contacted the Commissioner on 17 April 2015 to complain about the way his request for information had been handled.

8. The Commissioner has considered whether the GMC was correct not to comply with this request under section 12 FOIA.

Reasons for decision

9. Section 12(1) FOIA states that, "Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit."

10. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the "Regulations") sets the appropriate limit at £450 for the public authority in question. A public authority can charge a maximum of £25 per hour for work undertaken to comply with a request which amounts to 24 hours work in accordance with the appropriate limit set out above. If an authority estimates that complying with a request may cost more than the cost limit, it can consider the time taken in:

- (a) determining whether it holds the information,
- (b) locating the information, or a document which may contain the information,

- (c) retrieving the information, or a document which may contain the information, and
- (d) extracting the information from a document containing it.
11. The GMC said that in applying section 12 it was guided by the ICO's guidance on Requests where the cost of compliance with a request exceeds the appropriate limit. It said that paragraph 32 of this guidance makes clear that where a public authority is looking to apply the cost limit exemption then it is not good practice to voluntarily provide some information and exempt the remainder. It said that the guidance makes clear that a public authority should apply section 12 for the totality of the information requested to avoid denying the requestor the "right to express a preference as to which parts of the request they may wish to receive which can be provided under the appropriate limit".
 12. It added that one aspect of the request alone asked the GMC to provide a breakdown of those doctors who were administratively erased from the Medical Register in the last 5 years for failing to pay the required ARF split by those who missed an annual payment and those who missed a monthly direct debit. It sought internal advice on this aspect of the request from its Registration Directorate. It confirmed that due to the way such information is structured in its systems, that to extract this information would require it to do a manual check of the relevant doctors' records. It confirmed that a total of 15,000 doctors fell within the scope of the request and it estimated that even if it were only to take three minutes to check each doctor's record it would take approximately 750 hours to locate the information (equivalent to a cost of over £18,000 under the fees regulations). It said that whilst this time estimate was not based on a sampling exercise it maintains that it is a realistic and sensible timeframe. It also believes this method to be the quickest means available to extract the information.
 13. In setting out why it was unable to supply all of the requested information, it said that it provided to the complainant a detailed breakdown of why the request would exceed the appropriate limit. It argued that this enabled the complainant to understand the nature of the information it holds and it believes that it allowed him to refine his request accordingly (something which he did via email of 5 January 2015). In providing this specific detail to the complainant it considers that this consisted of reasonable advice and assistance within the meaning of section 16 of the FOIA.
 14. Due to the way in which the requested information is held, on individual doctors records and the number of records that would therefore have to be searched, complying with this request would involve a significant manual search which would vastly exceed the cost limit. The

Commissioner does therefore consider that the cost limit in this case would be exceeded to comply with this request in full. Section 12 FOIA was therefore correctly engaged in this case.

Right of appeal

15. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Pamela Clements
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