

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 July 2022

Public Authority: Medicines and Healthcare Regulatory Agency
(MHRA)

Address: 10 South Colonnade
London
E14 4PU

Decision (including any steps ordered)

1. The complainant made a request for correspondence between a named individual and the MHRA from 1st March 2022 referencing COVID-19 vaccines or Yellow Card data. The request was made on 6 April 2022 and MHRA have failed to provide a response.
2. The Commissioner considers that the MHRA has breached section 10 FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide a response to the request in compliance with FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 6 April 2022 the complainant made the following request for information under the FOIA for:

"Please provide correspondence between [named individual] and the MHRA from 1st March 2022 referencing COVID-19 vaccines or Yellow Card data."

6. MHRA has failed to provide a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on 31 May 2022 and asked him to investigate whether the MHRA has complied with section 10 FOIA in the handling of this request.
8. The Commissioner has considered whether the MHRA complied with section 10 FOIA in this case.

Reasons for decision

Section 10

9. Section 10(1) provides that:

“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.”

10. Section 1(1) provides that:

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.”

11. The request was made on 6 April 2022 and the MHRA have failed to respond to the request. This is despite the Commissioner contacting the MHRA on 11 June and 11 July 2022 to remind it of its obligations under FOIA to respond to the request. The Commissioner therefore finds that the MHRA breached section 10(1) FOIA in failing to provide a response to this request.

Right of appeal

12. 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

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

13. 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.
14. 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.....

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF