

ANNEX 1

TABLE OF KEY EVENTS RELATING TO DOCUMENTS AND THE HIV LITIGATION OF 1988 – 1991

Note: this Chronology does not deal with AVCSB records, which date from 1989 onwards and were therefore not relevant to the HIV Litigation.

DATE	EVENT
c. January 1988	Request from Lord Owen's office for access to his Ministerial papers relating to self-sufficiency in blood products – told that papers destroyed after 10 years, no documents supplied <i>[Source: Lord Owen's evidence to the Inquiry, Q3]</i>
1988 – mid-1991	Litigation against DH and others in respect of HIV/viral infection caused by blood products – “the HIV Litigation”.
September – December 1990	Judgment of the Court of Appeal on the issue of PII in the HIV Litigation; – leads to the release of documents in categories 1(1), 1(2) and 2 to the Claimants <i>[see Question 1]</i>
May – June 1991	Settlement of HIV Litigation approved by Court, May – June 1991. Creation of Macfarlane No 2 – Special Payments Trust to administer settlement payments; undertaking not to sue DH required for payment to be made.
Mid 1990s	Possible “clear-out” by DH Solicitors leads to the loss of files including HIV PII Material – according to email of 1-June 2003 from C Lister, see below.
c. 1995	Start of proposed litigation in respect of Hepatitis C infection caused by blood and/or products. Documents

	relevant to the HIV litigation sought by DH officials / lawyers, as potentially relevant. [Source: <i>A James Witness Statement</i>]
May 1996	Only half of HIV Litigation discovery files located by DH solicitors (files 21 – 43 and 45 onwards). However, Dr Rejman locates files 1 – 30 [Source: <i>Statement of A. James paras 2.85 – 2.91</i>]
March 2000	Judgment against the National Blood Authority in <u><i>A v NBA</i></u> : NBA liable to those who contracted Hepatitis C from blood after the Consumer Protection Act 1987 came into force (on 1 March 1988).
c. April 2002	Review of documents relating to UK Policy on Self-Sufficiency (later known as the Burgin Review) commissioned by MS(PH), Yvette Cooper.
10 June 2003	Email from Charles Lister, then DH Head of Blood Policy (from 1998 – 2003) to Zubeda Seedat [DHSC0020720_081/DHSC5541395]: “Unfortunately, none of the key submissions to Ministers about self sufficiency from the 70s/early 80s appear to have survived. Our search of relevant surviving files from the time failed to find any. One explanation for this is that papers marked for public interest immunity during the discovery process on the HIV litigation have since been destroyed in a clear out by SOL (there is an email from Anita James to me confirming this). This would have happened at some time in the mid 90s.”
December 2004	Start of Lord Jenkin’s queries regarding access to his Ministerial papers and storage/availability of DH papers more generally (continues throughout 2005). Also relevant are various FOIA requests in early 2005 from

	campaigners, seeking access to HIV Litigation papers.
5 April 2005	<i>Email from A James: "...My colleague Ronald Powell had conduct of the litigation all those years ago. Once the litigation was finished the files were sent to remote storage. About six years ago I looked for them in relation to another case we had and was unable to retrieve them because they had been destroyed. Department of Health records (as opposed to ours) were inadvertently destroyed in the early nineties as the HEO working in the branch had given them a ridiculously short destruction date..."</i> [NB the second part of this refers to the destruction of ACVSB files]. [Source: A. James Statement, paras 5.14 – 5.16]
13 September 2005	Inspection by Lord Jenkin of files relating to blood safety and the issue of haemophilia patients infected with hepatitis C [Source: WITN4912047], documents requested subsequently sent to him; Lord Jenkin expresses disquiet about files that were destroyed (leading to subsequent correspondence with Sir Nigel Crisp).
27 February 2006	Publication of 'Burgin Review', " <i>Self-Sufficiency in Blood Products in England and Wales: A Chronology from 1973 to 1991</i> "
February 2006	<p>Approximate start of process of internal review of documents held by DH in relation to infected blood/blood products, with inventories produced from c July 2006 onwards. See email from Z. Seedat, 8 February 2006, to the Freedom of Information, Records and Data Protection team:</p> <p><i>"I would be grateful for your advice/ comments on two PQs that we have received about the destruction of papers.</i></p> <p><i>Given that this has become an issue, I think it would be</i></p>

	<p><i>helpful if we could try to draw up a list of files on blood safety that we do hold by subject area ie. committees, finance, briefings, PQs, imported plasma etc...going back to the 1970's and 1980's. It makes us vulnerable to say that we are aware of papers that have been destroyed, without having a clear understanding of what we do hold.</i></p> <p><i>When we met last week I mentioned that we are not resourced to undertake detailed enquiries about past papers. I wondered whether you would be able to identify someone to help out so that we could establish what files exist."</i> [Source: I- DHSC5402137]</p>
7 Feb 2006 –	<p>Blackett Hart and Pratt Solicitors ("BHP"), co-ordinating Solicitors for the Claimants in the <u>A & Others v National Blood Authority</u> litigation, offered to return copies of the DH's papers from the HIV litigation which had been 'reused' in Hepatitis C litigation.</p>
May 2006	<p>Files returned to the DH by BHP, consisting of seven lever arch files from J Keith Park and Co and Ross and Co Solicitors, and five lever arch files from BHP.</p>
26 June 2006	<p>"Mulcahy Review" received – Counsel's summary of the 623 documents returned to DH by BHP in May 2006, recommendations re application of FOIA exemptions.</p>
14 July 2006	<p>Progress Report on the "Review of Documentation Related to the Safety of Blood Products: 1970 – 1985" – reference to 47 files of documents (not registered files) held at Wellington House – found in a cupboard in the office. Inventory is put in hand.</p>
24 August 2006	<p>Unpublished documents referred to by the Burgin Report placed in the public domain.</p>

November 2006	DH places the documents returned by BHP solicitors into the public domain (DH Website, HIM 22/2 series, Volumes 13 - 20), save for 19 documents withheld (of which 9 were then released in early 2007).
19 February 2007	Lord Morris announces the establishment of Lord Archer's independent inquiry into NHS Supplied Contaminated Blood and Blood Products. Starts from March 2007; DH assists by the supply of relevant documents to Lord Archer.
24 April 2007	Submission to Ministers from Elizabeth Woodeson, on the report drafted by Linda Page which attached the report into NANB/Hepatitis C papers, 1970-1985. Recommendation that the 'outstanding' blood-related papers should be placed in the public domain, with the 58 previously unpublished referenced in the Hepatitis C documents to be treated as a priority. [I DHSC0041193_026] .
14 May 2007	PQ Answer, Caroline Flint MP – files containing undertakings regarding litigation re HIV/Hepatitis viruses have been destroyed; the DH "currently holds 90 original waivers" [Source: see Q4].
June 2007 – October 2007	Release of HIV Litigation-related documents from Wellington House files (HIM 22/1 series, 101 volumes) into the public domain (DH website - redacted) and to Lord Archer (unredacted). Includes the PII material now disclosed to the Inquiry. Initially some 35 documents were withheld, but all but 8 were released following further review, by 20 April 2009 [Source: see Q2].
July 2008	Internal DH correspondence re 41 unregistered folders of documents located outside Bay 517, Wellington House. Contain "not very well organised" material relating to the

	HIV Litigation. Documents subsequently inventoried.
20 April – 20 May 2009	Release of documents from the 41 unregistered folders found outside Bay 517, Wellington House, into the public domain, including a number relating to Lord Owen. Material also sent to Lord Archer and to Lord Owen [see Q7].
13 July 2009	Ms Gillian Merron MP states that the DH holds some 239 legal waivers signed by Macfarlane Trust beneficiaries [Source: see Q4].