

From the Permanent Secretary
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Dr Kevin Woods
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Hugh Taylor
letter to
the S.E.

9 February 2009

Dear Kevin,

RE: INQUIRY BY LORD PENROSE

I am writing to you about the inquiry by Lord Penrose on the subject of contamination of NHS blood and blood products with HIV and hepatitis C. I understand that questions have been raised as to the likely degree of cooperation from this Department, on behalf of the UK Government, with Lord Penrose, and I am writing to reassure you in this respect.

As I am sure you are aware, the Department of Health has already made a commitment to release into the public domain all the relevant documentation that we hold on blood safety in the years from 1970 up to 1985 (when both the heat-treatment of blood products and testing of blood donations for HIV were introduced). Some 5,500 documents have been released. We also carried out a review of the documentation as it applies to contamination of blood products with hepatitis C, and this was published in 2007 with supporting documents. These included an internal audit in 2000 into the loss of some documents in the 1990s, which we have concluded was accidental and about which we have been quite open.

More recently, we have identified some further documents from those years that we intend to release as soon as they have been prepared in line with FOI. I am content that they do not add to our understanding of these events, but they will be released in keeping with our commitment.

Lord Penrose therefore will have a considerable weight of documentary evidence already to hand. I can assure you that we will offer all reasonable assistance to Lord Penrose in explaining to him what other documents are held at this Department, and in making available to him any additional documents that he feels necessary to his inquiry. We may need to discuss with him how to meet our other obligations in respect of official documents, for

example, protection of personal information and documents subject to legal professional privilege, but I am sure this will not inhibit this cooperation to any significant extent. As a starting point, we can supply Lord Penrose with a list of all the files held by this Department on blood safety or related issues in the years he intends to cover.

In relation to the provision of personal testimony, none of my officials currently in post would be able to provide personal evidence of the development of policy in the years in question. However, we have issued two reports on these events, one on hepatitis C as referred to above, and one on the development of self-sufficiency in blood products in England and Wales. Two of my officials, together with two experts from NHSBT, had a private meeting with Lord Archer of Sandwell, who as you know is conducting an independent private inquiry, to answer questions from his team arising from these reports and from the official documents that we have issued, in so far as they were able to do so. We would be very happy to provide similar help to Lord Penrose in his examination of the available documentation.

Others who were actively involved at the time may be able to provide Lord Penrose with further help. I note that a number of former experts and Ministers gave evidence to Lord Archer, and no doubt those with knowledge of these events who may be approached by Lord Penrose will consider his invitation in a positive light. I do not intend to discuss any such invitations with those concerned, nor would it be appropriate for me to do so. However, we will naturally provide whatever help we can to former Ministers or officials who may wish to assist Lord Penrose with his inquiry, and who may need to consult relevant documents from former years before doing so.

I hope this letter is helpful in setting out what assistance Lord Penrose can expect from this Department.

I understand that a copy of this letter may be lodged with the court, and I am also sending a copy to Lord Penrose.

Yours ever,

GRO-C

HUGH TAYLOR
PERMANENT SECRETARY