

PS(PH)

From: William Connon

Date: 8 December 2005

Caroline

*You will want to
be aware.*



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Cc: Dani Lee Pr-Off/SofS
Claire Northridge Pr-Off/MS(HS)
Daniel Mann Pr-Off/PS(PH)
David Cockayne PS/Perm Sec
Catherine Pearson APS/CMO
Liz Kendall Sp. Adv
Paul Corrigan Sp. Adv
Mike Da Silva HPIHSD
Gerard Hetherington GHP
Ailsa Wight GHP
Sarndrah Horsfall GHP/GBT
Hugh Nicholas GHP
Zubeda Seedat GHP
Sophie Coppell COMMS.
Sylvia Shearer Scottish Exec.
Caroline Lewis Welsh Assembly
Gerry Dorrian DHSS-PSNI

HEPATITIS C: MATERIALS TO BE RELEASED BY THE SCOTTISH EXECUTIVE

Issue

1. Ministers will wish to be aware that The Scottish Executive have undertaken to release substantial material under the Freedom of Information (FOI) Act concerning haemophilia patients infected with Hepatitis C (HVC) through contaminated blood and blood products in the 1970s and 1980s.

Timing

2. The Scottish Executive deadline for release of papers is 12 December 2005. This may result in parliamentary and media interest, and renewed calls from the haemophilia community for a public inquiry.

Background

3. Since the Freedom of Information Act came into force we have had numerous requests for the release of papers dating back to the 1970s/early 80s relating to the issue of haemophilia patients infected with HVC. Unfortunately, many of our papers dating back to this period have been destroyed. Our understanding is that during the HIV litigation in the 1990s many papers were recalled. We understand that papers were not adequately archived and were destroyed in the early 1990s. In addition, we have established that many papers on HVC infection were destroyed in error in the mid-1990s. In response to various FOI requests we have had to own up to this fact.

is before '97?

4. There has been considerable lobbying for a public enquiry in the Scottish Parliament by haemophilia lobby groups. The Scottish Executive plan to release a significant volume of material which, they believe, will allow their Minister to say that he has met a commitment he made to Scottish representatives of the Haemophilia Society, when he appears before the Scottish Parliament's Health Committee in January 2006 to explain why he still does not wish to hold a public inquiry.

5. All the relevant action took place prior to devolution. It is highly likely that, amongst the volume of documents being released by the Scottish Executive, there will be copies of papers that were destroyed in DH. As this information is held by the Scottish Office and not DH it is for them to release it under FOI if appropriate. They have taken the decision to do so.

6. Inevitably, this may well give renewed ammunition to the conspiracy theorists, and continue allegations of a "cover-up", all of which have long been strenuously denied? If there is media interest we can hold the line that blood safety is of paramount importance to DH and the blood service, and all the relevant issues have previously been fully explored and lessons have been learned. We are not aware of any new evidence in the papers which the Scots are about to release.

7. On a separate but related matter, PS(PH) will be aware that we have finalised a report of a review of surviving documents on self-sufficiency in blood products. The report is currently with the printers and we hope to publish early in the New Year. There will inevitably be criticism when the report is published because members of the haemophilia community are aware that many DH papers have been destroyed.

Conclusion

8. We will notify both the Blood Service and Bio-Products Laboratory about the release of these documents.

8. Ministers will wish to be aware that the imminent release of materials relating to HCV infection from NHS treatment with blood and blood products in the 1970s and 1980s is likely to raise heightened parliamentary and media interest.

WILLIAM CONNON
General Health Protection – Treatment
Room 530
Wellington House
Ext: **GRO-C**

1) ~~How~~ ~~was~~ ~~was~~
papers destroyed?
~~from~~

2) If Scotland had
copies why didn't
he acknowledge this
when FOI requests

317 came in?

3) What will the papers contain?