Jacky Buchan
PS/MS(PH)

**From:** Linda Page HPIH&SD-HP(ID&BP)
**Date:** 13 June 2007
**cc:** Greg Hartwell
Dani Lee
David Harper
Michael Sietz
Liz Woodeson
Ailsa Wight
William Connon
Patrick Hennessy
Hugh Nicholas
Zubeda Seedat
Jill Moorcroft
Bradley Smythe
Brenda Irons-Roberts

**Lord Archer's Independent Inquiry into Blood Safety: Release of Departmental papers 1970 to 1985**

**Issue**

1. It has been agreed to issue relevant papers on blood safety between 1970 and 1985 to Lord Archer's independent inquiry into contaminated blood and blood products (MS(PH)'s letter of 22 May refers, attached). This submission is to advise you that the first tranche of papers has been prepared for release, and is for information only.

**Timing**

2. Immediate. We plan to issue the papers to Lord Archer's inquiry team tomorrow, 14 June.

**Background**

3. On 22 May the Department released a Review of documents relating to the safety of blood products 1970-1985 (non-A, non-B hepatitis). The documents referenced in the review were issued to Lord Archer's independent inquiry at the same time and have since been placed on the Freedom of Information (FoI) pages on the DH website with the Review.

4. The Review identified over 4,000 documents held in unregistered files of which 56 were released with the review. It was agreed at the time of publication that the remaining documents would be prepared and released to the inquiry at monthly intervals.

**Release of papers June-September 2007**

5. We have prepared the first batch of documents and will be issuing them on Thursday 14 June, with the covering letter at annex A. The documents will be placed with the other papers on the DH website once they have been scanned, in around two weeks. There will be a new front page on the DH website summarising our FoI commitment to releasing the blood safety papers, with links to earlier relevant reports and documents.

6. This release comprises the first 20 of a total of 101 files that we aim to prepare and issue. Documents are being prepared for release in the order in which they are held in files, and consequently are not in strict date and subject order. As an additional check, we will be inventorising the remaining registered files that may have a bearing on this issue, with the aim of identifying any remaining papers that may need to be issued to meet the Department's commitment.

7. The documents now to be issued cover a number of areas related to haemophilia and blood products other than non-A, non-B hepatitis (on which we have released all papers to coincide with the review on 22 May). The areas covered include:

- HIV/AIDS;
- self-sufficiency;
- hepatitis and hepatitis B;
- BPL redevelopment.

**Issues to note**

8. The weight of documentation being released makes it impossible to predict every issue that may arise. However, during the period covered by these papers (1975-1985) there was considerable discussion of the redevelopment of BPL with the aim of making the UK self-sufficient in blood products. This included consideration of a partnership with private industry, to establish whether BPL could be replaced or supplemented by private enterprise to supply the NHS with its needs in blood products. This option was not pursued, as the Government of the day opted to fund a redevelopment of BPL as a public enterprise. These papers could provoke some interest, given current discussions about the future of Bio Products Laboratory (BPL), but on balance we consider it is preferable to release them as historical documents, in line with our commitment, and let them speak for themselves.

9. We are resisting external requests to the Department to search for papers on particular topics to release or comment upon while this process is in train. This is perfectly in line with FoI once a reasonable publication timetable has been announced. Our general line is that 'all papers relating to this subject are in, or being placed in, the public domain', and repeating earlier DH responses regarding decisions on blood safety during this period.

**Recommendation**

10. That you note this release of papers planned for tomorrow 14 June, meeting the Department's commitment to issue documents in line with FoI at monthly intervals, and the handling lines at paragraphs 8 and 9 above.

Linda Page
Review of Blood Safety Documentation - HPIH&SD-HP(ID&BP)
517 Wellington House ext GRO-C

Annex A. Letter to accompany release of first tranche of papers

14 June 2007

Mr V Mehan
Secretary to the Independent Public Inquiry
C/o Fentons Solicitors LLP
19 Bloomsbury Square
London
WC1A 2NS

Dear Mr Mehan

**Review of Documentation Relating to the Safety of Blood Products 1970 – 1985 (Non-A, Non-B Hepatitis).**

I wrote to you on the 22nd May enclosing three copies each of the Review and the 56 papers relating to Non-A, Non-B hepatitis. Caroline Flint wrote to Lord Archer of the 22nd May enclosing one copy of the Review and associated papers. In her letter Caroline Flint advised Lord Archer that the Review identified over 4,000 documents that related to haemophilia and plasma products and that we propose to release these in line with the provisions of the Freedom of Information Act (FOIA).

These documents are held in 100 registered files, the first 20 which we are now releasing. The order of the files is that in which they were held in the lever arch files, they are not in subject or strict date order. Some of the original documents are in poor condition and legibility can be a problem. I am enclosing four copies of each of these 20 files for Lord Archer's inquiry. Each file is accompanied by an inventory that identifies the subject area, date and category to which it was allocated: HIV/AIDS; self-sufficiency; BPL/NHS re-organisation; hepatitis and hepatitis B; and Other.

Information has been redacted from the attached documents in line with Section 40 (2) of the Act and two documents are exempt from the right of access in line with Section 40 (2) of the Act. This provides that information that constitutes personal data is exempt if its release would breach one of the Data Protection Principles. The first principle requires that processing of personal data must be fair and lawful. The names of individuals (from both the Department of Health and external stakeholders) have been redacted where their involvement with these matters was prior to 1990, as we have concluded that to release them after this period of time would be unfair.

Three of the attached documents are, in part, exempt from the right of access in line with Section 31 of the Act (information the disclosure of which would, or would be likely to, prejudice the prevention or detection of a crime) and Section 38 of the Act (information the disclosure of which would, or would be likely to, endanger the physical or mental health of any individual, or the safety of any individual). These are detailed plans of premises that have been removed from each of the three papers.

These papers will also be placed on our website but you will appreciate that the scanning and loading of these documents will take some time (we estimate about two weeks).

Yours sincerely

Linda Page
Project Manager
Blood Policy