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**"Re: FOI case: for clearance : advice from CMO"**

File Reference:	WRK/002/026
File Title:	Working Files - Inbox - July 08
Filed by:	Laura Kennedy/OIS/DOH on 28/11/2008 at 17:03
Created by:	William Connon/PD-PMD/DOH/GB on 30/07/2008 at 07:24

Laura Kennedy/OIS/DOH, <- By default all readers can see document.

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Who can read? All readers of this document database

William Connon/PD-  
PMD/DOH/GB  
30/07/2008 07:24

ToElizabeth Woodeson/CQEG/DOH/GB@GRO-C  
ccAilsa Wight/PH6/DOH/GB@GRO-C Zubeda  
Seedat/PH6/DOH/GB@GRO-C  
bcc  
SubjectRe: FOI case: for clearance : advice from  
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RESTRICTED - Policy

Liz,

I agree with your amendments generally, some of which I have made but which were removed at the request of lawyers eg explanatory apology, and reference to the AG. I will be interested to see how Sol now respond.

As you all know I remain of the view that our reasons for withholding are not strong, hence the limited distribution as I do not want to circulate this fact again.

On you specific DN's, relating to the reasons for withholding I would make the following observations:

1st bullet - I agree with you that this argument is weak as I don't think we can say all CMO advice should be withheld. Furthermore, I have already made the point that FOI has already affected this issue and much of this advice will now, I am sure, be given verbally.

2nd bullet - I would have thought that time limits apply to the litigation argument and as it is now almost 20 years since the litigation are we sure that this argument still holds? Sol need to confirm

Your proposed 3rd bullet - I do feel that to say the document contains no new information, when we are withholding it, will simply be a "red rag to a bull".

I do not wish to prolong this but simply want to affirm my view that I consider the department's case lacks substance. Like you I feel sure that the letter (and the DH position) will end up in the public domain - or subject to an appeal to the commissioner - so we need to be absolutely sure that the department is prepared to defend the proposed position. I am informed that ministers/Perm Sec do not make these decisions, but I feel that they should be at the very least notified, if not consulted.

Regards

William G Connon  
Head of Blood Policy  
Department of Health  
530 Wellington House  
Waterloo Road  
London  
SE1 8EG

GRO-C

Elizabeth Woodeson/CQEG/DOH/GB






Elizabeth  
Woodeson/CQEG/DOH/GB  
29/07/2008 18:20

To Zubeda Seedat/PH6/DOH/GB@GRO-C  
cc Ailsa Wight/PH6/DOH/GB@GRO-C  
Howard.Roberts@GRO-C  
karen.arnold1@GRO-C Patrick  
Hennessy/POLICY/DOH/GB@GRO-C  
rhys.williams@GRO-C Steve  
Wells/ISD4/DOH/GB@GRO-C William Connon/PD-  
PMD/DOH/GB@GRO-C William Scott/OIS/DOH@GRO-C  
Subject Re: FOI case: for clearance : advice from CMO

Zubeda

Here are my changes Do we really have to give Mr GRO-A our reasons for non disclosure? It would be easier not to. If we do, then they need to be improved. I have suggested a couple of additional arguments - others should be able to think of more.

If we do have to include the reasons in the reply then I think it would be helpful if it could be cleared by Frances Logan or another SCS lawyer as I would imagine that the letter will end up in the public domain - or subject to an appeal to the commissioner - so it is really essential that the arguments are sound and as strong as they can be.










 DE\_288056  **GRO-A** CMO advice to SoS.doc  
 Ltr to Ken Clarke - outcome.doc  Ltr to Sir Donald - outcome.doc  
 Press office line on FOI case.doc

Liz Woodeson  
Director of Health Protection

Room 170  
Richmond House  
Tel.   
Mobile 


Zubeda Seedat/PH6/DOH/GB


**Zubeda  
Seedat/PH6/DOH/GB**  
29/07/2008 14:31

To Elizabeth Woodeson/CQEG/DOH/GB@  
cc William Connon/PD-PMD/DOH/GB@ Ailsa  
Wight/PH6/DOH/GB@  
karen.arnold1@ Patrick  
Hennessy/POLICY/DOH/GB@  
Howard.Roberts@  
rhys.williams@ William  
Scott/OIS/DOH@ Steve Wells/ISD4/DOH/GB@  
Subject FOI case: for clearance : advice from CMO

Liz,

FOI letters require Grade 5 or above clearance. As you and Ailsa are both out of the office today, I would be grateful if you could please clear the attached tomorrow. Given the complexities of this case I have not passed to another G5 to clear, as they will not be familiar with the issues.





The draft letter to  includes comment from Karen Arnold, Steve Wells, Rhys Williams and William Connon.  
William has cleared the enclosed draft.

I have drafted a briefing note and a line to take for our press office in case Mr  informs the press of our decision. Please let me know if you are content with this.

I have also drafted two letters for you to send to Mr Clarke and Sir Donald Acheson to let them know the outcome. For information, we also consulted with Sir Donald but did not hear back from him. We should probably let him know of our final decision.

Thanks

Zubeda

-  - DE\_288056 **GRO-A** CMO advice to SoS.doc
-  - Press office line.doc
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Zubeda Seedat  
Blood Policy Team  
**GRO-C**

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