

Witness Name: Jason Jonathan Evans

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INFECTED BLOOD INQUIRY

EXHIBIT WITN1210025



Department
of Health &
Social Care

39 Victoria Street
London
SW1H 0EU

www.gov.uk/dhsc

Baroness Lynne Featherstone
House of Lords
Westminster
London

7 June 2018

Dear Baroness Featherstone

Thank you for your letter dated 5 March 2018 in relation to documents available in The National Archives. As you will appreciate, there are many thousands of documents and it is a complicated picture between those that are available, those that have been recommended for release and those still to be considered. We are committed to complete openness and your questions are welcome.

In this letter we have addressed the contents of the two files you have asked about and their release to The National Archives, the process for file release and why this process can be delayed and the ongoing work to compile a list of all the files the Department holds, or has held, relating to the issue of infected blood.

CBL 8 series and HIM/022/007/V008

In your letter, you mention two specific files, the CBL 8 Series and HIM/022/007/V008, which I am grateful to you for bringing to my attention. I have asked officials to look into these cases and provide some more information on what the files contained.

The CBL/008 files relate to the minutes of the Central Blood Laboratory Service for 1988. We sought approval as required from The Advisory Council on 2 October 2017 and its release was considered and approved at their November meeting. This file should be available to the public at The National Archives shortly.

The HIM/022/007/V008 file is dated 3 January 1991 – 30 April 1991 and concerns blood testing for Hepatitis C. The file contains a number of research reports about testing methods, and the use of the Ortho Abbott testing pilot in three transfusion centres. The release of this file will be considered by The Advisory Council at their June 2018 meeting. Subject to approval, the file will be available at The National Archives later in 2018.

It is not clear why these two file sets were not released previously and I can only apologise for that. Also I am sorry that I cannot be firmer on the dates that these two sets of files will be available at The National Archives but DHSC has no control over this part of the transfer process as explained below.

Process for releasing files

As you know, between 2015 and 2016 the Department released files in the light of the Penrose Inquiry in Scotland. This process involved officials conducting a search of all files to identify relevant files for transfer to The National Archives.

The Department normally aims to release files when they reach the appropriate age for transfer. Files used to be considered for release 30 years from the date it became a record (the date of the last document on the file). This could mean documents with earlier dates than the date of the file, and likewise documents from before 1995, could be in later file dates. In 2013 the 30 year period changed and it has reduced by one year each year since 2013 so that from 2022, files will be considered for release 20 years after the date the file became a record. This year files which are 24 years old will be selected for release, taking us to files up to 1994.

The process of releasing files to The National Archives is, unfortunately, not rapid because once files have been identified as being appropriate for release they need to be prepared and considered for release by The Advisory Council on National Records and Archives. The Advisory Council is an independent body that advises on issues relating to historical public records that are over 20 years old, including public access to them, at the point of transfer to The National Archives. When a department wishes to release files to The National Archives they must send a submission to The Advisory Council to recommend the release. The Advisory Council typically meets four times a year to make decisions on these submissions. This process can cause delays to final decisions around release.

When The Advisory Council agrees to files being released they are then transferred to The National Archives to be prepared and catalogued to make them available. As this is done alongside files from all other departments it can take a little time. In addition, The Advisory Council may not agree to files being released to The National Archives. Records are only accepted for permanent preservation if they contribute to the history of the United Kingdom and meet the Archives selection criteria. Records that are not selected must be destroyed unless a case for their future retention is agreed by the Lord Chancellor.

Ongoing work to release files

In the interest of transparency, and to ensure that we are able to provide everything that may be of use to the Infected Blood Inquiry and others, I have asked officials to identify all files the Department holds, or has held, that are in any way linked to the issue of infected blood. This includes files on what was known about the viruses, testing for and treatment of the viruses and any other files that relate to blood donation, blood products and blood safety from the period up to 1995, and identify which of those files are already available in The National Archives, which are in the process of being transferred and which, if any, are not yet in the process of being transferred. This process of file identification will be completed shortly so that we are in a position to respond to any requests from the Infected Blood Inquiry team.

Statement on release of files

In relation to the statement "All documents up to 1995 are available through The National Archives", the line is normally nuanced to explain that it relates to all relevant files and I am sorry that in some instances this did not happen. As you will understand, what is considered to be relevant is a subjective decision and it is not clear why the two file sets you have identified were not included.

From now on DHSC will use the amended line "All files up to 1995, previously deemed to be relevant to the issue of infected blood, and which were agreed to release by The Advisory Council,

were transferred to The National Archives. However, we recognise this did not include all files that may be relevant and work on identifying all additional pre-1995 files for transfer is continuing. As well as releasing these files to the public, DHSC is committed to co-operating fully with the Infected Blood Inquiry". This new line will be shared with all parts of DHSC.

Once officials have compiled the list of all the files, and their location, I would like to invite you to review this list. We are also considering how best to make this list public alongside an update on what is the status of any files not already transferred to The National Archives.

Yours sincerely

GRO-C

Clara Swinson
Director General - Global and Public Health