

## INFECTED BLOOD INQUIRY

### DETERMINATION OF APPLICATION MADE UNDER SECTION 21(4) OF THE INQUIRIES ACT 2005

#### The General Medical Council (“GMC”)

#### The Background

On 16 October 2019 a notice under section 21 of the Inquiries Act 2005 (“the Notice”) was served on the GMC. The Notice required the GMC to produce the document identified in an annexe to the Notice, as being relevant to the Inquiry’s Terms of Reference, by 5pm on 18 October 2019.

Section 21 allows for applications to be made for the recipient to be relieved in whole or part of the obligations imposed by a section 21 notice. It provides as follows:

*“(4)A claim by a person that—  
(a)he is unable to comply with a notice under this section, or  
(b)it is not reasonable in all the circumstances to require him to comply with such a notice,  
is to be determined by the chairman of the inquiry, who may revoke or vary the notice on that ground.*

*“(5)In deciding whether to revoke or vary a notice on the ground mentioned in subsection (4)(b), the chairman must consider the public interest in the information in question being obtained by the inquiry, having regard to the likely importance of the information.”*

The Notice stipulated that any such application would have to be made by 17 October 2019. It required the disclosure of the document in full and in unredacted form.

#### The Current Application

On 16 October 2019 Lucy Astley, Solicitor for the GMC, made an application under section 21(4) of the Inquiries Act 2005 as follows:

*“In accordance with section 21(4), the GMC wishes to notify the Chair that it proposes to disclose the attached copy of the meeting note in response to the attached section 21 Notice. The remaining redactions relate solely to sensitive personal data which the GMC maintains are not relevant to matters before the Inquiry.”*

The GMC, by way of correspondence dated 17th October 2019, explained that the “sensitive personal information” related to health. It further advised that “Although the subject of the note is not identified by name in the document, in our view, they may be identifiable by way

*of other information contained in the note. As such, any personal data relating to health could be associated to that individual.”*

### **Discussion and Conclusions**

The GMC has stated that they have no difficulty in any other respect in complying with the section 21 notice by the deadline.

In the usual course of the Inquiry, the GMC would provide the document unredacted. The Inquiry has in place statements of approach and a General Restriction Order to address the very matters and concerns raised by the GMC regarding redaction. For example, personal data relating to health (special category information) that is not relevant to the Inquiry's Terms of Reference will be redacted. Other special category information may be redacted without the need for application under paragraph C of the General Restriction Order.

In addition, prior to any disclosure or publication, pursuant to paragraph 27 of the Statement of Approach - Anonymity and Redaction, the GMC may apply for a Restriction Order in connection with any information which the Inquiry has not already redacted either on the basis that it is not relevant or in accordance with the General Restriction Order.

Safeguarding sensitive personal data from disclosure outside the Inquiry is thus fully ensured. Accordingly I refuse this Application and require provision of an unredacted full copy of the document pursuant to the Notice.

Sir Brian Langstaff

Chair Infected Blood Inquiry

17 October 2019