The ICO exists to empower you through information.

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
T. 0303 123 1113
ico.org.uk

7 November 2023

IC-263800-H4S8

Request

You asked us:

"This request relates to the guidance on the Health Research Authority (HRA) website at: https://www.hra.nhs.uk/planning-and-improving-research/policies-standards-legislation/data-protection-and-information-governance/gdpr-guidance/what-law-says/data-privacy-impact-assessments/

The HRA webpage states the guidance was developed in consultation with the ICO. I am requesting copies of documents related to this consultation, specifically documents which which show how the HRA presented this situation to the ICO, and copies of the ICO's advice (or approval if it was given) on the guidance."

We received your request on 12 October 2023.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

I can confirm that we hold information in scope of your request. Please find attached copies of our correspondence with the Medicines and Healthcare products Regulatory Agency (MHRA) which led to the publication of this request.

By way of explanation, please note that the guidance you are referring to was initially intended to be a piece of joint guidance issued by the MHRA and the Health Research Authority (HRA). Our correspondence regarding this guidance was with the MHRA, and you will note from the disclosed correspondence that the decision for the HRA to publish the Data Protection Impact Assessment guidance separately from the guidance published by the MHRA came towards the end of the process.

Information withheld

FOIA section 40(2)

You will note that some information relating to MHRA employees has been redacted in our response. It is exempt under section 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure here.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can raise a complaint through our website.

Your information

Our Privacy notice explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found here.

Yours sincerely

Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email