

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 30 March 2023

**Public Authority:** Medicines and Healthcare Products Regulatory Agency

**Address:** 10 South Colonnade Canary Wharf  
Stepney  
London  
E14 4PU

### **Decision (including any steps ordered)**

---

1. The complainant requested information from a specific Microsoft Excel file. By the date of this notice Medicines and Healthcare Products Regulatory Agency ("MHRA") had not issued a substantive response to this request.
2. The Commissioner's decision is that MHRA has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires MHRA to take the following step to ensure compliance with the legislation.
  - MHRA must provide a substantive response to the request in accordance with its obligations under FOIA.
4. MHRA must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

## Request and response

---

5. On 8 January 2023, the complainant wrote to MHRA and requested information in the following terms:

"Please provide the following from the "AESI Line Listing.xlsx" file in the sub-folder "[https://mhra.sharepoint.com/.../Covid-19 vigilance/COVID-19 Vaccine](https://mhra.sharepoint.com/.../Covid-19%20vigilance/COVID-19%20Vaccine)":

1. The titles of all worksheets within the file.
  2. For each worksheet: all titles, column headings, descriptions of the content, instructions on how to use or complete the worksheet and any other information that gives context and meaning to the data that would be recorded in the worksheet"
6. MHRA acknowledged the request on 7 February 2023. To date, a substantive response has not been issued.

## Scope of the case

---

6. The complainant contacted the Commissioner on 5 March 2023 to complain about MHRA's failure to respond to their request.
7. The Commissioner has considered whether MHRA has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

## Reasons for decision

---

8. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

9. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
10. On 7 March 2023 the Commissioner wrote to MHRA reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
11. Despite this intervention MHRA has failed to respond to the complainant.
12. From the evidence provided to the Commissioner in this case, it is clear that MHRA did not deal with the request for information in accordance with FOIA. The Commissioner finds that MHRA has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

---

13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatorychamber](http://www.justice.gov.uk/tribunals/general-regulatorychamber)

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**