

## **F-2015-00137- Category A incidents**

14h May 2015

### **Summary of request**

The Authority was asked for the investigation reports and minutes of the Licence Committee meetings for all grade incidents that took place between 2008 and 2012.

### **HFEA response**

Much of the information you have requested is routinely published under the Authority's Publication Scheme and can be found on the Authority's website at the following link:

<http://www.hfea.gov.uk/fertility-clinic-inspection-reports.html>.

As this information is reasonably accessible via the HFEA website, it is exempt from disclosure under section 21 (information accessible by other means) of the FOIA.

Following an extensive search of our records, we have located the attached information falling within the scope of your request. Some information within the attached documents has been redacted under section 40(2) (personal information) of the FOIA.

Other information located during a search of our records is being withheld under Sections 44 (prohibitions on disclosure) and 40(2) (personal data) of the FOIA.

Section 44 of the FOIA applies to information that is prohibited from the disclosure by a statute other than the FOIA. Section 33(a) of the HFE Act prohibits disclosure of identifying information. This may apply where there is a reasonable risk that the information disclosed, whilst not identifying in itself, could lead to the deductive identification of a person to whom the HFEA owes a duty of confidentiality. To disclose this information may therefore result in a breach of the confidentiality provisions of section 33(a) of the Human Fertilisation Act 1990 (as amended), and the information is exempt from disclosure under section 44 of the FOIA.

Section 40(2) of the FOIA provides that personal data relating to third parties is exempt information if disclosure would breach the Data Protection Act 1998 (DPA). We consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 to the DPA, which relates to the fair and lawful processing of personal data, in two ways. Firstly, disclosure would not constitute 'fair' processing of the personal data and secondly, disclosure would not satisfy the conditions for data processing set out in Schedules 2 and 3 (which relate to sensitive personal data) of the DPA. We have therefore concluded that this information is exempt from disclosure under section 40(2) of the FOIA.