

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 July 2016

Public Authority: General Medical Council
Address: 3 Hardman Street
Manchester
M3 3AW

Decision (including any steps ordered)

1. The complainant has requested information about circumcision techniques and methods. The General Medical Council (GMC) says it does not hold the information the complainant has requested.
2. The Commissioner's decision is that, on the balance of probabilities, the GMC does not hold the requested information and has complied with section 1(1) of the FOIA. He does not require the GMC to take any steps.

Request and response

3. On 1 December 2015, the complainant wrote to the GMC and requested information in the following terms:
"I shall be grateful to provide me the copy of the modern (latest) techniques and methods of Circumcision of a child of 5 years and over"
4. The GMC responded on 16 December 2015. It said that it did not hold this specific information but enclosed some related information and directed the complainant to an area of its website where further related information is published.
5. Following an internal review the GMC wrote to the complainant on 26 January 2016. It maintained its position that it does not hold the requested information.

Scope of the case

6. The complainant contacted the Commissioner on 3 March 2016 to complain about the way his request for information had been handled.
7. The Commissioner has focussed his investigation on whether, on the balance of probabilities, the GMC holds the specific information the complainant has requested.

Reasons for decision

Background

8. The GMC has explained the context within which the complainant submitted his request. The complainant, a doctor, was the subject of fitness to practice hearings in July 2011 and July 2012. The records of determination are publicly available.
9. In order to consider allegations made against a doctor, a panel will receive written and oral evidence. The GMC gathered relevant evidence to consider the allegations made in relation to the complainant's practice at the time, and it was in relation to that evidence that the statement referred to by the complainant was made.

Section 1 – information held / not held

10. Under section 1(1) of the FOIA, anyone who requests information from a public authority is entitled to be informed by the authority whether it holds the information and, if it does, to have that information communicated to him or her.
11. In its response to the complainant of 16 December 2015, the GMC had confirmed that disseminating guidance on clinical practice is not the GMC's function and therefore it does not hold the information he requested.
12. The GMC has explained to the Commissioner its role in relation to standards for doctors. It publishes advice to doctors on the standards expected of them. 'Good Medical Practice (2013)¹' is its core guidance for all doctors. This is supported by a range of explanatory guidance

¹ http://www.gmc-uk.org/guidance/good_medical_practice.asp

covering a range of subjects. However, GMC says that this is guidance on the standards expected of doctors rather than clinical guidance relating to medical procedures; the GMC confirmed that it does not issue guidance of that nature.

13. Despite the publication of this type of clinical guidance not falling within the remit of the GMC, before responding to the complainant's request, the GMC has told the Commissioner that it had made enquiries with the team responsible for issuing the standards guidance referred to above. That team confirmed that the only relevant information held was the GMC guidance it had provided to the complainant (and which he subsequently told the GMC he did not require). The GMC provided for the Commissioner examples of guidance broadly related to the complainant's request and the Commissioner has noted that these, and 'Good Medical Practice (2013)', are not of a clinical nature.
14. Having considered the GMC's submission and the role of that organisation, the Commissioner is satisfied that, on the balance of probabilities, the GMC does not hold the specific information that the complainant has requested, and has met its obligations under section 1(1) of the FOIA.

Right of appeal

15. 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: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Pamela Clements
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