

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 February 2023

Public Authority: Partners of Observatory Medical Practice

Address: Observatory Medical Practice
Jericho Health Centre
New Radcliffe House
Walton Street
Oxford
OX2 6NW

Decision

1. The complainant requested information from Observatory Medical Practice ("the OMP") relating to the OMP's process when administering coronavirus vaccinations to its patients.
2. The Commissioner's decision is that, on the balance of probabilities, the OMP does hold information within the scope of the request. Consequently, the Commissioner finds that the OMP breached section 1(1) of the FOIA.
3. The Commissioner requires the OMP to take the following steps to ensure compliance with the legislation.
 - The OMP must conduct fresh searches into the requested information and provide a new response which is adequate for the purposes of the FOIA.
4. The OMP must take these steps 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. The complainant made the following information request to the OMP on 4 February 2022:

"Under Freedom of information, please can you supply the following:

- How many people have the Doctors, Nurses and other health care assistants working at the Observatory Medical Practice administered Covid-19 injections to, to date?

- Have they given these injections to any children, if so how many?

As part of the legally required process of Informed Consent, before giving these injections:

- Were patients routinely informed of the individual risk that Covid-19 posed to them, for their particular age group?

- Were patients routinely informed that these vaccines are still part of an ongoing trial until 2023?

- Were patients routinely informed that these vaccines were authorised for emergency use only?

- Were patients routinely informed that these mRNA vaccines have never before been used on human beings?

- Were patients routinely informed that the vaccine manufacturers currently all have immunity from liability for any adverse events and death?

- Were patients routinely informed there is no medium to long term safety data for these vaccines?

- Were patients routinely informed of the constituent components / ingredients of the vaccines they received?

- Were patients routinely made aware of the Yellow Card data for these vaccines, which shows a very high number of serious injuries and deaths compared to all other vaccines combined?

- Exactly what other informed consent if any was given/obtained, relating to the risks and benefits of these vaccines?"

6. The final position of the OMP was that it did not hold information relevant to the request.

Reasons for decision

Section 1 FOIA - determining whether information is held

7. Section 1(1) of the FOIA states: "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." If a public authority does not hold recorded information that falls within the scope of the request, the Commissioner cannot require the authority to take any further action.
8. In cases where there is a dispute as to the information held by a public authority, the Commissioner will use the civil standard of proof, i.e., the balance of probabilities. In order to determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a public authority holds any information which falls within the scope of the request.
9. The complainant considers that the OMP had not provided a meaningful and comprehensive response despite being instructed to do so by the Commissioner. The complainant also raised concerns that if the information is not held, then the OMP has not been keeping records of the administration of the coronavirus vaccines.
10. The OMP advised the Commissioner in its submission that it could provide the number of its patients who had a least one vaccine between the two periods of time. The OMP explained that some patients will have had their vaccine done elsewhere and it would be difficult to work out where patients had their vaccine.
11. The OMP also explained that handouts were only given at the beginning of the campaign, which was over 2 years ago. It stated it does not have copies of this information anymore, as it was required to destroy them once the initial campaign was finished. The OMP confirmed that it was able to locate the most recent handouts published by the NHS.
12. The Commissioner considers that the OMP did not provide the complainant with an adequate response to the request. The OMP failed to advise of basic tasks it had undertaken in order to find information relevant to the scope of the request. For example; what searches it had undertaken to check no information was held within the scope of the request, why these searches would have likely retrieve relevant

information and if the information were held would it be held manually or electronically.

13. The Commissioner decision is that the OMP does, on the balance of probabilities, hold information within the scope of the request. The Commissioner requires the OMP to provide the complainant with a fresh response to their request which fully answers each questions. The OMP should either provide the complainant with the requested information or an adequate refusal notice should be provided.

Other matters

14. The Commissioner would like to remind the OMP that if it is unsure of how to respond to a request, it can always review his detailed guidance.

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@justice.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

Catherine Fletcher
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Wycliffe House
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Wilmslow
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