

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 September 2023

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

#### Decision (including any steps ordered)

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1. The complainant has requested information from the General Medical Council (GMC) about a named doctor. The GMC stated some information was not held and it considered that the information it held was exempt under section 40(2) of FOIA.
2. The Commissioner's decision is that the GMC has correctly withheld the information it identified as held under section 40(2) of FOIA. The GMC, on balance, holds no further information and has complied with its obligations under sections 1 and 10 of FOIA.
3. The Commissioner does not require further steps.

#### Request and response

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4. On 19 April 2023 the complainant wrote to the GMC and requested information in the following terms:
  - "When were the credentials of [name redacted] checked (GMC number 4452515) – how were they checked – and by whom?"
  - Why has [name redacted]'s revalidation not been performed, per GMC guidelines?
  - Who was the person or persons who confirmed [name redacted]'s credentials to you from the colleges?

- Who ratified [name redacted]'s qualifications as delineated in his LinkedIn page: namely, a simultaneous completion of his MD degree alongside duplicate awards of FRCS from both the RCS of Edinburgh and RCS of Ireland – all within the space of one year? (1994-5) How was the UK medical standards equivalency established?
  - What documentary evidence was submitted to the GMC to substantiate [name redacted]'s awards of medical degrees and fitness to perform surgery from these or other institutions? (Please provide duplicates of those GMC stored on file)."
5. The GMC responded on 19 May 2023. It provided details of [name redacted]'s GMC registration that were also publicly available. For the detailed queries about [name redacted]'s GMC registration, the GMC stated it held information in respect of some of the queries but considered the information it did hold was exempt from disclosure under section 40(2) of FOIA. The GMC added that only a doctor's primary medical qualification (PMQ) is registrable with the GMC and, as such, [name redacted] would not have been able to register the additional qualifications referred to (FRCS etc) so the information is not held by the GMC.
6. The complainant asked for an internal review on 19 May 2023. They stated they wanted to see [name redacted]'s PMQ and that whilst some information could be redacted such as addresses and contact details, not all information can be withheld under section 40(2). The complainant also argued they had asked the GMC about how it had checked the authenticity of [name redacted]'s qualifications and the names of any persons who did the checking and this had not been addressed by the GMC.
7. The GMC conducted an internal review and responded with the outcome on 8 June 2023. The GMC provided some additional detail to support its position but maintained that information was either not held or was exempt under section 40(2).

### **Scope of the case**

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8. The complainant contacted the Commissioner on 8 June 2023 to complain about the way their request for information had been handled.
9. The Commissioner considers that the scope of his investigation is to determine if the GMC holds any additional information in scope of the request and whether section 40(2) has been correctly applied to withhold the information that is held.

## Reasons for decision

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### Section 1 – information held

10. Section 1 of the FOIA states that any person making a request for information is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to them .
11. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
12. In other words, in order to determine such complaints, the Commissioner must decide whether on the balance of probabilities a public authority holds any - or additional - information which falls within the scope of the request (or was held at the time of the request).
13. The GMC has stated it does not hold documentation regarding how [name redacted] joined the register, for example their application or a copy of their PMQ. [name redacted]'s entry on the medical register dates back to 1997 and the GMC states its registration process at that time was paper-based. Paper records are kept off-site filed in order by chronology and surname and the GMC requested the box that would normally have held [name redacted]'s file but the records could not be located and the GMC therefore does not consider it holds [name redacted]'s paper file.
14. The GMC confirmed to the Commissioner it also holds no electronic record of [name redacted]'s registration application and it had conducted searches of its legacy system which did not return any results.
15. The GMC explained to the complainant that the process for checking applications in 1997 is not the same as it is today but it would have checked [name redacted]'s PMQ, in this case his MB BCh from Ain Shams University. The GMC provided the complainant with notes from the 1997 Medical Register (the year [name redacted] obtained full registration) that set out how a doctor with [name redacted]'s PMQ would have joined the register.
16. In terms of additional credentials, these are not registered with the GMC but with the relevant College or specialist authority. The GMC states it does not hold any application of this type on [name redacted]'s record. It confirmed it does hold a record from the Specialist Register confirming

[name redacted]'s application had met the required standard but had no information on how this standard was met.

17. The GMC stated it did hold the name of the GMC employee who administratively handled [name redacted]'s application to join the specialist register but it did not consider this was within the scope of the complainant's request.
18. The Commissioner would agree this is not in scope of the request. The request asked for the name of the person(s) who checked [name redacted]'s credentials and who confirmed [name redacted]'s credentials to the GMC from the colleges. The name of the person who handled the administrative side of the application does not appear to fulfil either of these roles and is therefore not in scope of the request. In any event it is highly likely the name of a person fulfilling an administrative role would have no expectation their personal data would be disclosed and it would likely be exempt under section 40(2).
19. The Commissioner acknowledges that the complainant believes the GMC must hold further information in relation to [name redacted]'s qualifications but this does not appear to be the case based on the explanations provided by the GMC. The Commissioner notes the GMC did expect to find information in its paper files when these were retrieved as they are listed by surname and in chronological order but he has no reason to dispute the GMC's assertions that the information was not found.
20. The Commissioner does not consider there is anything further he can add to this. He considers the GMC has conducted an adequate investigation in the circumstances to identify if any relevant information is held and as such the Commissioner is satisfied that no further information is held within the scope of the request.

#### **Section 40 – personal information**

21. The GMC accepts it holds information in relation to the second bullet point of the request – information on [name redacted]'s revalidation but it considered this was exempt under section 40(2) of FOIA.
22. The GMC has pointed to the fact it only publicly discloses information regarding a doctor's registration and revalidation in line with its [publication and disclosure policy](#). It has also pointed to a decision of the [First Tier Tribunal](#) on revalidation which supported the view that this type of information can be correctly withheld under section 40(2).
23. Section 40(2) says that information is exempt information if it is the personal data of another individual and disclosure would contravene one of the data protection principles.

24. The Commissioner is satisfied that the requested information is the data subject's personal data – they can be identified as they are named in the request and the information relates to them.
25. The Commissioner appreciates that, for personal reasons, the complainant has a legitimate interest in this information that would be met through disclosing the information.
26. However, given the guidance set out in its Publication and Disclosure Policy the Commissioner considers that the individual named in this case would reasonably expect that their personal data would not be disclosed to the world at large under FOIA and that disclosure would therefore cause that individual harm or distress.
27. The Commissioner considers the wider public interest in complaints about doctors is satisfied through the information the GMC publishes in line with its Publication and Disclosure Policy. The Tribunal (see paragraph 22) commented similarly at paragraph 41 of their decision:

“The requested personal data would not further the legitimate interests because there is no connection between the legitimate interests on which the appellant relies and the personal data he seeks. Even if disclosure of this personal data were connected to any such legitimate interests, it would not be reasonably necessary for the furtherance of those interests. Such information would not help individuals explore or take further any concerns they may have about particular doctors, and it would not help them scrutinise the GMC's discharge of its regulatory functions. Such objectives can be taken forward without the information requested via the external complaints process and the statutory appeals/review processes or indeed the remedy of judicial review. Furthermore the current information about doctors is published which enables the timely making of complaints about practitioners. The disclosure of this personal data would not serve a legitimate interest and thus the necessity test is not satisfied.”
28. Based on the above factors, the Commissioner has determined that there is insufficient legitimate interest to outweigh the data subject's fundamental rights and freedoms. The Commissioner therefore considers that disclosing the requested information would be unlawful as it would contravene a data protection principle; that set out under Article 5(1)(a) of the UK General Data Protection Regulation.

## **Procedural matters**

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29. 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”.

30. The complainant argues the GMC responded outside of the statutory timeframe for compliance.
31. The Commissioner's [guidance](#) on responding to requests states that public authorities may take up to 20 working days to respond, counting the first working day after the request is received as the first day. The request was received on 19 April 2023. The first working day began on 20 April 2023 and given there were two bank holidays in the following weeks, the response sent on 19 May 2023 was within the 20 working day time limit and the Commissioner finds the GMC has complied with section 10 of FOIA.

## Right of appeal

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32. 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-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

33. 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.

34. 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 .....**

**Jill Hulley**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**