

Question:

I request the following recorded information relating to any external organisations or individuals involved in connection with the investigation concerning me and the examination of material seized from me.

Please provide:

1. The name of every external organisation or individual who carried out work in connection with the investigation or the examination of material seized from me.
2. Records showing what work each external organisation or individual was asked to carry out.
3. Copies of any letters, emails or other recorded information instructing, requesting or authorising each external organisation or individual to carry out that work.
4. Copies of any reports, opinions, memoranda or other written work produced by those external organisations or individuals.
5. Records identifying who instructed or authorised each external organisation or individual to carry out the work.
6. If any work was arranged, commissioned or obtained by another public authority on behalf of the Department of Health, records identifying that public authority and the nature of its involvement.

For the avoidance of doubt, this request includes, but is not limited to, work carried out in relation to the review of material taken from my laptops during 2017 and any associated reports, correspondence or instructions.

This request is intended to include recorded information relating to work carried out directly for the Department of Health, work carried out on its behalf, and work arranged through another public authority, regardless of which organisation ultimately met the cost.

If any of the requested information is not held by the Department of Health, but you believe another public authority is likely to hold it, I would be grateful if you would identify that authority.

Response:

I note that you seek access to the following information:

1. Recorded information relating to any external organisations or individuals involved in connection with the investigation concerning you and the examination of material seized from you.
2. The name of every external organisation or individual who carried out work in connection with the investigation or the examination of material seized from you.

3. Records showing what work each external organisation or individual was asked to carry out.
4. Copies of any letters, emails or other recorded information instructing, requesting or authorising each external organisation or individual to carry out that work.
5. Copies of any reports, opinions, memoranda or other written work produced by those external organisations or individuals.
6. Records identifying who instructed or authorised each external organisation or individual to carry out the work.
7. If any work was arranged, commissioned or obtained by another public authority on behalf of the Department of Health, records identifying that public authority and the nature of its involvement, including, but is not limited to, work carried out in relation to the review of material taken from your laptops during 2017 and any associated reports, correspondence or instructions.
8. The request is intended to include recorded information relating to work carried out directly for the Department of Health, work carried out on its behalf, and work arranged through another public authority, regardless of which organisation ultimately met the cost.

The Department has decided to disclose some of the requested information.

The Medicines Act 1968 and the Human Medicines Regulations 2012 provide statutory investigative powers to determine whether there has been a contravention of any provision of the relevant legislation and to inspect or collect evidence as appropriate. The Medicines Regulatory Group (MRG) is responsible for enforcement of the said legislation in Northern Ireland on behalf of the Department of Health. As part of its investigative work MRG may lawfully share information with other statutory partner agencies or organisations. The Department can confirm that during the investigation into NISCO Healthcare Ltd's alleged activities information was shared with the Police Service of Northern Ireland, Counter Fraud Unit, the Health and Social Care Board and the Pharmaceutical Society of Northern Ireland. MRG is also aware that a file was submitted to the Public Prosecution Service.

The Department is however unable to disclose the information you requested as itemised above at 1,3,4,5,6,7 and 8 as the information is exempt from disclosure by

virtue of sections 30(1) (a) and (b) of the FOI Act because the information you have sought is or was part of (a) an investigation which the public authority (DoH) has a duty to conduct with a view to it being ascertained - (i) whether a person should be charged with an offence, or (ii) whether a person charged with an offence is guilty of it, (b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct.

This is a qualified exemption subject to a Public Interest Test (PIT). A completed PIT, setting out our reasons for not disclosing the information sought has been attached.

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