

**From: Courtney Brucato (0161 923 6692)**  
**General Medical Council**

**21 October 2011**

Our Ref: F11/4076/CB

Dear Mr Mc Cloy,

Thank you for your email of 28 September 2011 in which you request information regarding doctors in Northern Ireland currently under investigation by the GMC. As detailed in our acknowledgement email, I have considered your request in accordance with the Freedom of Information Act 2000 (FOIA).

You asked for the number of doctors in Northern Ireland who are currently under investigation by the GMC. I confirm we hold the information you have requested. We conducted a search of our case management database for any open cases where the doctor:

- was referred to the GMC by an organisation based in Northern Ireland,
- is employed by an organisation based in Northern Ireland or
- the incident location was based in Northern Ireland.

I confirm as of 30 September 2011, there were 75 doctors under investigation in Northern Ireland who meet the criteria set out above.

You also asked for a list of the hospitals if the investigation is based on hospital activity. I confirm we hold the information you have requested but I am unable to provide you with the information because we believe an exemption within FOIA applies:

Section 40(5)(b)(i) of the FOIA states that the duty to confirm or deny whether information is held does not arise if the act of confirmation or denial would breach any of the principles of the DPA. We believe that it is reasonable for doctors to expect that if complaints are made against them which are not progressed to a public hearing, or do not result in any action upon their registration, whether or not such complaints had been made would remain confidential. Therefore, we believe that to confirm or deny the existence or non-existence of the information requested would breach the first principle of the DPA, which requires that the processing of personal data is fair and lawful. We consider that the conditions in Schedule 2 of the DPA, relating to the processing of personal data, are not met and therefore the release of the information you have requested would be unlawful.

You have the right of appeal against our refusal to supply information via the FOIA route. If you wish to appeal please set out your grounds in writing and send to Julian Graves, Information Access Manager, at [\[email address\]](#). You also have the right of appeal to the Information Commissioner, the independent regulator of the FOIA. If appropriate, Mr Graves will provide the relevant contact details.

If you have any concerns regarding the handling of this request please contact Julian Graves, Information Access Manager, at [\[email address\]](#).

Yours sincerely,

Courtney Brucato  
Information Access Officer  
General Medical Council