

FOI-2016-00266- Anevivo device authorisation

2 November 2016

Summary of request

You requested the following information: ☐ The Statutory Approvals Committee papers relating to the Anevivo device. These can be from the August 2015 meeting or any other meetings at which approval of this novel procedure was discussed ☐ A breakdown of who voted to approve the use of the Anevivo device and who voted against in the Statutory Approvals Committee of August 2015 ☐ Any minutes or written summaries (including summaries sent by letter or email) of the SCAAC / HFEA teleconference which took place in July 2015 to discuss approval of the Anevivo device ☐ Any emails or correspondence between the HFEA and Complete Fertility relating to the approval of the Anevivo device.

HFEA response

The information you have requested is attached. Some information within the attached documents has been redacted under section 40(2) (third party personal information) of the FOIA. The information disclosed to you constitutes all of which was seen by the Committee and, as such, provides a full account of the information on which they based their decision. Please note that the HFEA records a majority/unanimous vote but the actual count is not logged, so for the purposes of point three above, we do not hold the information you have requested, although I can confirm a majority vote was recorded. Aside from the information attached, there are a very small number of emails which were provided in confidence to the HFEA in order to allow a free and frank exchange of views. As such, section 41 (information provided in confidence), and section 36(2)(b)(i)(ii) (would, or would be likely to, inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation) of the FOIA are engaged. Section 41 is an absolute exemption and no public interest test is therefore required.

It is important to note that Section 36 is about the processes that may be inhibited, rather than what is in the information. The issue is whether disclosure would inhibit the processes of providing advice or exchanging views. In order to engage the exemption, the information requested does not necessarily have to contain views and advice that are in themselves notably free and frank. The HFEA considers that disclosure of such emails would result in a chilling effect and that disclosure would inhibit free and frank discussions in the future, that the loss of frankness and candour would damage the quality of advice and deliberation and thus lead to poorer decision making. Outside of the FOIA, you may wish to approach any third parties directly.