



**Isle of Man**  
Government

Reilrys Ellan Vannin

# Department of Health and Social Care

Rheynn Slaynt as Kiarail y Theay

###  
###

Interim Chief Officer: Stuart Quayle  
Freedom of Information Team  
First Floor  
Belgravia House  
Circular Road  
Douglas  
IM1 1AE

**Our ref: 3104185**

1 August 2023

Dear ###

We write further to your requests reference 3104185 and 3104285 which were both received on 4 May 2023. I have combined them into one response and broken down the individual questions and the Department's responses below.

## *"FOI questions*

*The following FOI questions are intended to elicit information to establish how medical and clinical advice from Dr Ranson and others was handled by Minister Ashford and senior civil servants, and whether selective and/or 'toned down' versions were in fact presented to the then Chief Minister and CoMin in the period 13-24 March 2020. Although precisely how and the extent to which the CAG and the SMLT advice had advanced through the command structure was not relevant to the Tribunal, this issue nevertheless remains a matter of acute national importance.*

*1 On 26 May 2021, Dr Ranson gave evidence to Tynwald Public Accounts Committee about a press conference on the morning of Friday 13 March 2020 (Hansard 2021-PP-0171 at lines 867-870) 'The press conference highlighted a number of significant concerns for me. The Chief Secretary had given the advice to move to Public Health England delay. The decision to follow Public Health England to delay had been taken without any advice from me as DHSC Medical Director, or the clinical group, because we know that the Director of Public Health is on holiday.' Please provide a copy of the advice to move to PHE delay given by Will Greenhow, the Chief Secretary, to Minister Ashford in the morning of Friday 13 March 2020; and was Miss Magson involved in the giving of that advice?"*

While our aim is to provide information whenever possible, the Department of Health and Social Care ('the Department') is unable to provide the information that you have requested. This is in line with Section 11(3)a of the Act, as a practical refusal reason applies; namely we do not hold or cannot, after taking reasonable steps to do so, find the information that you have requested as it may be held by Cabinet Office.

*2 Please confirm the names of the Departmental CEOs present at the meeting of the National Strategy Group on Friday 13 March 2020, and specifically was Daniel Davies, the CEO of DHA in attendance? Please supply a copy of the minutes recorded of that*

*meeting in addition to the CAG's presentation and modelling referred to in para 176 of the Tribunal decision.*

We do not hold or cannot, after taking reasonable steps to do so, find the information that you have requested as we understand the National Strategy Group did not meet until 17 March 2020.

The Department does, however, hold minutes of the Coronavirus Working Group that met the day stated in your request (Friday 13<sup>th</sup> March 2020) and to provide assistance we have attached a copy of those minutes.

*3 Please confirm whether any of the Departmental CEOs had forwarded the whole or any part of the CAG's presentation and modelling dated Friday 13 March 2020 to any other persons within government command structure. If so, in each case please disclose by who, to whom, the whole or which part(s) and when together with any commentary thereon.*

We do not hold or cannot, after taking reasonable steps to do so, find the information that you have requested.

You may wish to re-submit your request to the Departments you are referring to, all are options available on the Freedom of Information request portal, who may be able to help you.

*4 Please supply a copy of Dr Ranson's email and attached PowerPoint presentation sent to Minister Ashford at 15.25PM on Friday 13 March 2020.*

Please find attached the email and presentation as requested.

*5 Please supply a copy of any phone, Teams, messaging or email communication between Minister Ashford and/or Miss Magson and/or Will Greenhow and/or Dan Davies between Friday 13 March and Monday 16 March 2020 (inclusive) in which reference is made to the whole or any part of the content of Dr Ranson's email at 15.25pm on Friday 13 March 2020.*

We do not hold or cannot, after taking reasonable steps to do so, find the information that you have requested.

*6 Please supply a copy of Dr Ranson's email and attached PowerPoint presentation sent to Miss Magson just after midnight in the morning of Monday 16 March 2020 for Miss Magson to use when briefing CoMin later that day. [Tribunal para 186]*

Please find attached the email and presentation as requested.

*7 The Tribunal [para 186] has made a finding of fact that Miss Magson did not use Dr Ranson's updated presentation sent on 16 March 2020 when setting out DHSC's advice to CoMin. Please provide a copy of the presentation and materials setting out the medical and clinical advice which Miss Magson actually used instead to present to CoMin that day (the Magson presentation) together with the minutes of that CoMin meeting.*

Please find the presentation attached.

With regards to your request for the minutes from the Council of Ministers meeting on 16 March 2020, we do not hold or cannot, after taking reasonable steps to do so, find the information that you have requested as it may be held by Cabinet Office.

*8 Reference has been made in the media to email communication on or about Sunday 15 March 2020 involving Dan Davies, Will Greenhow, Mark Lewin, Kathryn Magson and Caldric Randall in which a 'toned down' version of the CAG presentation and modelling was circulated. Please provide a copy of this email and any associated presentation slides. Please confirm whether any of this material was wholly or partly used in the Magson presentation to CoMin on 16 March 2020.*

Please find attached.

*9 Please specify the medical or clinical professional accreditation (if any) held by Dan Davies, Will Greenhow, Mark Lewin, Kathryn Magson and Caldric Randall which may have qualified any of them to (a) recommend following PHE delay on 13 March 2020 or (b) later change or modify the content of the medical or clinical advice from the CAG and the SMLT emailed by Dr Ranson for presentation to CoMin.*

We do not hold or cannot, after taking reasonable steps to do so, find the information that you have requested.

*10 Please confirm that Minister Ashford was present at CoMin throughout the Magson presentation on 16 March 2020."*

We do not hold or cannot, after taking reasonable steps to do so, find the information that you have requested.

In consideration of your application the following exemption under the Freedom of Information Act 2015 (the 'FOIA') has been applied and is described below.

### **Section 25(2) - Absolutely Exempt Personal information**

Article 4(1) of the Data Protection (Application of GDPR) Order 2018 defines personal data as:

(1) 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

It is noted that information about an employee's actions or decisions in carrying out their job is their personal data. However, given the need for accountability and transparency, and in this particular case, I have determined that there will be an expectation of disclosure of limited personal data, names of Officers of the grade Higher Executive Officer and above, under the FOIA.

Therefore, I have determined the following exemption under the FOIA applies, Section 25(2) absolutely exempt personal information. The reasons why this exemption applies are:

- The Department is satisfied that the information amounts to personal data as defined under Article 4(1) of the Data Protection (Application of GDPR) Order 2018.
- The Department is satisfied that disclosure of the information would contravene Article 5 (Principles relating to processing of personal data) of the Data Protection Application of GDPR) Order 2018, namely that the Department can only disclose the information where it would be fair, lawful and transparent and meet one of the provisions in Article 6 of the Data Protection (Application of GDPR) Order 2018, in this case, none of those provisions have been met.

Therefore the disclosed emails contain redacted personal information of which the applicant is not the data subject, less for reasons already set out, which is marked: 'FOIA 2015 – Section 25 Absolutely exempt personal information'

Please quote the reference number 3104185 in any future communications.

### **Your right to request a review**

If you are unhappy with this response to your freedom of information request, you may ask us to carry out an internal review of the response, by completing a complaint form and submitting it electronically or by delivery/post.

An electronic version of our complaint form can be found by going to our website at <https://services.gov.im/freedom-of-information/Review> . If you would like a paper version of our complaint form to be sent to you by post, please contact me and I will be happy to arrange for this. Your review request should explain why you are dissatisfied with this response, and should be made as soon as practicable. We will respond as soon as the review has been concluded.

If you are not satisfied with the result of the review, you then have the right to appeal to the Information Commissioner for a decision on;

1. Whether we have responded to your request for information in accordance with Part 2 of the Freedom of Information Act 2015; or
2. Whether we are justified in refusing to give you the information requested.

In response to an application for review, the Information Commissioner may, at any time, attempt to resolve a matter by negotiation, conciliation, mediation or another form of alternative dispute resolution and will have regard to any outcome of this in making any subsequent decision.

More detailed information on your right to a review can be found on the Information Commissioner's website at [www.inforights.im](http://www.inforights.im).

Should you have any queries concerning this letter, please do not hesitate to contact me.

Further information about freedom of information requests can be found at [www.gov.im/foi](http://www.gov.im/foi).

I will now close your request as of this date.

###  
###