Public Health England

Protecting and improving the nation's health

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**By email**

Emmanuel Freudenthal
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Our ref: 20/10/lh/554

28 November 2017

Dear Mr Freudenthal

**Re: Internal review of case ref 482 - PHE involvement in the Ebola situation**

I refer to your email of 20 October 2017 in which you request an internal review of case reference 482

You asked PHE to provide the following information on 25 September 2017 on case ref 482:

***9 - Please provide all documents with aggregate information about the samples that you have, including the following information: the number of samples in the UK and their nature (swabs, blood samples etc.); laboratory of origin; Date of hospitalisation; Laboratory ID number; Symptom onset; Facility from where the patient was referred; Date tested; Patient age; Clinical chemistry results; Gender; Viral load; Original or follow up sample; Malaria test results; Ebola test result. What class of laboratory they are currently stored in; what institution owns them; what institution manages them; who has access to them; to what end are they currently used.***
***10 - What personal information on patients (apart from those listed in question #9 above) does PHE's database contain?***
***11 - Does PHE have a copy of agreements between the UK and the government of the affected countries? If yes, please send them.***
***12 - What were the "partner agencies" that supplied PHE with samples (cf. your reply to my question #8 on consent in the previous FOI)? Please send your contracts or agreements with them.***
***13 - What were the companies contracted to ship, store and/or transport the samples? Please send all the contracts with the companies contracted to transport, store and/or transport ebola samples.***
***14 - What processes did PHE implement to keep tracks of the samples in its possession? Please send any documents that outline those processes.***
***15 - How many samples, and of what kind (swabs, blood etc) did each of these***

***agencies provide to PHE? From what countries?***
***16 - Where are the samples that PHE processed and are not currently in the Biobank? For each sample, please provide their location, agency that took them from PHE, date they were given, Materials Transfer Agreement (MTA) or other paperwork, etc.***
***17 - If any samples were destroyed, please send us the number, location of destruction, date of destruction and SOP.***
***18 - How were samples transported from the affected countries to the UK? Please send us the contract/agreements between PHE and the transport companies***
***19 - Please send us the filled tables that researchers have submitted to request samples from PHE's Ebola biobank.***
***20 - Is the PHE aware of any license or patent applications resulting from the research done on the Ebola sample? If yes, can you provide a list of those applications and the patents/licences that have been granted?***

PHE addressed your questions on 20 October 2017 stating that we hold some of the information and detailing which data items are held.

I can confirm under Section 1(1) (a) of the Act that PHE does not hold information which would address most of the questions raised**.** Under the Act PHE is not obliged to create new information in response to a request nor seek it from third parties.

In our response on 20 October 2017 (case ref 482) we advised that the Ebola virus is a dangerous pathogen and any samples or cultures are managed under appropriate security arrangements to prevent misuse. As such, access is limited to research scientists operating within Biosafety Level (BSL) 4 facilities.

PHE holds information about the samples it received which are maintained within our Biobank. PHE has been very clear throughout that these remain the property of the Government of Sierra Leone. We have previously advised you that the Ministry of Health of Sierra Leone, on whose behalf we provided these diagnostic services is the custodian of the samples and we cannot release these data to you without their permission.

With respect to your request for consent forms of the patients whose blood was sampled by PHE or its partners, we invoked under the Section 40 *–personal information,* exemption of the FOI Act.

During this internal review we have examined the suitability of the application of the exemptions and consider that they were appropriately applied. As such the information remains exempt from disclosure.

**Internal review decision**

In summary, PHE contends that in so far as we were obliged to, we fully addressed your original questions.

Please note that you have the right to an independent review by the Information Commissioner's Office if a complaint cannot be resolved through the PHE complaints procedure. The Information Commissioner's Office can be contacted by

writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Anne Smith
Public Accountability Executive Officer