

**From:** [REDACTED]  
**Sent:** Mon, 30 Mar 2026 12:22:40 +0000  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOI draft for review - advice - whatsapp

Thanks [REDACTED]

Happy for this to go.

Kind regards

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 30 March 2026 13:18  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOI draft for review - advice - whatsapp

Thanks [REDACTED]

I've now updated the draft. [REDACTED] are you happy for this to go out? It is due today.

Best wishes

[REDACTED]

\*\*\*Begins\*\*\*

Dear [REDACTED]

Thank you for your Freedom of Information (Fol) request received on 1 March. You wrote:

*I would like to request the following information, as a Freedom of Information request.*

*1. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) had any meetings – face to face or virtual – with any representative/s of the campaign groups Sex Matters or the LGB Alliance?*

2. *If so, how many meetings have taken place and with representative/s of which organisation?*

3. *Were minutes taken at these meetings?*

4. *If so, please share these minutes.*

5. *In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) sent or received any correspondence – including emails, printed letters or 'app chats' (e.g., WhatsApp) - with any representative/s of the campaign groups Sex Matters or the LGB Alliance?*

6. *If so, how much correspondence has taken place (e.g., how many emails have been sent from each organisation, including replies) and with representative/s of which organisation?*

7. *If so, please share the correspondences.*

## **MHRA Response**

We can neither confirm nor deny we hold the information requested. This is because we estimate the cost of searching for and identifying the requested information would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This represents the estimated cost of at least one person spending 3½ working days (equivalent to 24 staff-hours) in determining whether the Agency holds the information, and locating, retrieving and extracting it.

Under Section 12(1) of the FoI Act the Agency is not therefore obliged to comply with your request and we will not be processing it further.

You may be aware of both the [Cabinet Office](#) and the [ICO published guidance](#) regarding WhatsApp and other messaging accounts. In our judgement if we were to comply with point 5) of your request we would need to ask all members of MHRA staff (approx. 1500) to confirm to us that they do not have any information in scope of your request on their personal devices. If we allow one minute per staff member on average (this for us to contact them, they to check their device and provide any information in scope of your request, or confirm none is held) that would amount to around 25 hours. That is before we consider the other information you have requested.

Whilst we ask that staff use their agency issued devices for any work-related communications, in our judgment we cannot definitely say information is not held in scope of your request without seeking the confirmation as set out above.

Under Section 16 of the FoI Act we should help you narrow your request so that it may fall beneath the cost limit. In this instance we suggest you may wish to consider editing point 5 of your request to either remove the ask relating to messaging apps,

or, to refine the request by asking about a particular group of staff, for example those who work in our clinical trials and investigations team. We cannot advise at this time if any further narrowed requests will or will not be subject to further exemptions.

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

MHRA Central Freedom of Information Team  
Medicines & Healthcare products Regulatory Agency

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**From:** [REDACTED]

**Sent:** 30 March 2026 11:32

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: FOI draft for review - advice - whatsapp

Thanks [REDACTED]

I would say it was probably the latter. I don't think we know there was WhatsApp messages – our normal process would be teams or emails.

Kind regards

[REDACTED]

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**From:** [REDACTED]

**Sent:** 30 March 2026 11:29

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: FOI draft for review - advice - whatsapp

Hi All,

When doing a neither confirm nor deny (NCND) response is all hinges on the reasonableness of if the information exists.

In this case do we know there likely was WhatsApp messages, but we don't know who hold them then we can confirm we hold them. If we have no idea if they exist and the act of checking if they do is part of the cost limit, then it would be NCND.

Thanks

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 30 March 2026 11:10  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOI draft for review - advice - whatsapp

Dear [REDACTED]

Thanks for the below.

I'm looking to [REDACTED] for advice on this one. I'd written it from the perspective that we do hold the information in terms of has there been any correspondence (yes or no), but that the steps we'd need to take to provide an answer would be prohibitive. [REDACTED] should this be neither confirm nor deny instead?

Best wishes

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 29 March 2026 23:31  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOI draft for review - advice - whatsapp

Dear [REDACTED]

This is another case of all or nothing in that is we could provide answers to 1 simply but cannot provide an answer to 5 as we cannot check WhatsApp messages and Section 12 is applied because of that.

The only point I would question is whether we can 'confirm we hold **the** information requested (note small typo in draft) – we would have to seek it and therefore by definition we do not hold it.

Otherwise the draft looks fine and we have clearly suggested a refinement which may bring the request within scope.

Kind regards

[REDACTED]

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**From:** [REDACTED]

**Sent:** 26 March 2026 13:22

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: FOI draft for review - advice - whatsapp

Dear [REDACTED]

The below is not due out till Monday, but just sending this email to bring the case forward in your mailboxes.

Grateful for your feedback.

Many thanks

[REDACTED]

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**From:** [REDACTED]

**Sent:** 21 March 2026 14:30

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** FOI draft for review - advice - whatsapp

Dear [REDACTED]

Please find below another draft response to a FOI request we've received, this one is due for reply on 30 March.

The request itself is:

I would like to request the following information, as a Freedom of Information request.

1. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) had any meetings – face to face or virtual – with any representative/s of the campaign groups Sex Matters or the LGB Alliance?
2. If so, how many meetings have taken place and with representative/s of which organisation?
3. Were minutes taken at these meetings?
4. If so, please share these minutes.

5. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) sent or received any correspondence – including emails, printed letters or ‘app chats’ (e.g., WhatsApp) - with any representative/s of the campaign groups Sex Matters or the LGB Alliance?
6. If so, how much correspondence has taken place (e.g., how many emails have been sent from each organisation, including replies) and with representative/s of which organisation?
7. If so, please share the correspondences.

A few notes about how we’ve arrived at the below draft:

- The attached email is the feedback I received via DTG about whatsapp on agency devices, which is why I’ve included a corresponding comment in the below draft.
- We are confident that Section 12 is engaged because the only way we can check is to ask staff and given the size of the organisation this is not possible in the time allowed. As Section 12 is engaged we do not need to consider the other questions in the request.
- However, when applying Section 12 we are required to provide advice and assistance. As 12 is engaged against the whatsapp question it follows that our advice should relate to that. However, to the best of my knowledge we’ve not asked staff previously to check and confirm regarding messages on their personal devices. You’ll see the suggestion I’ve proposed but if you don’t think this is realistic then please flag, very open to discussing alternatives.
- GLD have already been sighted on this and recommended I check in with DHSC. DHSC said they did not see any particular issues with the draft and thought it reasonable to ask for a refinement. They also suggested we consider including the link to the Cabinet Office guidance, which you’ll see included in the draft.

As with the others, grateful for any comments, amends or approval. And happy to discuss.

Thanks

██████████

\*\*\*Begins\*\*\*

Dear ██████████

Thank you for your Freedom of Information (Fol) request received on 1 March. You wrote:

*I would like to request the following information, as a Freedom of Information request.*

*1. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) had any meetings – face to face or virtual – with any representative/s of the campaign groups Sex Matters or the LGB Alliance?*

*2. If so, how many meetings have taken place and with representative/s of which*

organisation?

3. Were minutes taken at these meetings?

4. If so, please share these minutes.

5. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) sent or received any correspondence – including emails, printed letters or 'app chats' (e.g., WhatsApp) - with any representative/s of the campaign groups Sex Matters or the LGB Alliance?

6. If so, how much correspondence has taken place (e.g., how many emails have been sent from each organisation, including replies) and with representative/s of which organisation?

7. If so, please share the correspondences.

## **MHRA Response**

We can confirm we hold information requested, but it is exempt from disclosure under section 12(1) of the Freedom of Information Act.

This is because we estimate the cost of searching for and identifying the requested information would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This represents the estimated cost of at least one person spending 3½ working days (equivalent to 24 staffhours) in determining whether the Agency holds the information, and locating, retrieving and extracting it.

Under Section 12(1) of the FoI Act the Agency is not therefore obliged to comply with your request and we will not be processing it further.

You may be aware of both the [Cabinet Office](#) and the [ICO published guidance](#) regarding WhatsApp and other messaging accounts. In our judgement if we were to comply with point 5) of your request we would need to ask all members of MHRA staff (approx. 1500) to confirm to us that they do not have any information in scope of your request on their personal devices. If we allow one minute per staff member on average (this for us to contact them, they to check their device and provide any information in scope of your request, or confirm none is held) that would amount to around 25 hours. That is before we consider the other information you have requested.

Whilst we ask that staff use their agency issued devices for any work-related communications, in our judgment we cannot definitely say information is not held in scope of your request without seeking the confirmation as set out above.

Under Section 16 of the FoI Act we should help you narrow your request so that it may fall beneath the cost limit. In this instance we suggest you may wish to consider editing point 5) of your request to either remove the ask relating to messaging apps, or, to refine the request by asking about a particular group of staff, for example those who work in our clinical trials and investigations team. We cannot advise at this time if any further narrowed requests will or will not be subject to further exemptions.

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

MHRA Central Freedom of Information Team  
Medicines & Healthcare products Regulatory Agency

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**From:** [REDACTED]  
**Sent:** 13 March 2026 17:34  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** RE: FOI advice - whatsapp

Dear [REDACTED]

I've looked through the draft response and don't have any comments from a legal perspective.

On the point about whatsapp, personal devices, and FOIA requests, it would probably be a good idea to liaise with DHSC so that there are no contradictory statements or policy coming from the MHRA and DHSC.

Best,

[REDACTED]

[REDACTED]  
Lawyer  
MHRA, Medicines and Pharmacy Team  
DHSC Legal Advisers, Government Legal Department  
102 Petty France, London, SW1H 9GL  
Telephone: [REDACTED]  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 11 March 2026 15:24  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** RE: FOI advice - whatsapp

Dear [REDACTED]

Thank you again for your advice last week [REDACTED]. I've since had feedback that whatsapp is not in the MHRA list of approved apps and so cannot be downloaded onto any MHRA devices. In practice this means we would need to ask staff to check personal devices which is in line with our discussion below. I understand that would engage Section 12 and I have drafted a response accordingly.

I am conscious that under Section 16 (providing advice) we need to try and where possible suggest something feasible which we've a reasonable chance of being able to carry out. From speaking to the FOI team, they are not aware of any previous requests where we have needed to ask staff to check their own personal devices for messages / confirm to us whether any exist. This is therefore new territory for us. I also appreciate that the request is broader than just whatsapp.

A reminder of the request itself which is from a [REDACTED] via an outlook address, and is due for reply on 30 March:

I would like to request the following information, as a Freedom of Information request.

1. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) had any meetings – face to face or virtual – with any representative/s of the campaign groups Sex Matters or the LGB Alliance?
2. If so, how many meetings have taken place and with representative/s of which organisation?
3. Were minutes taken at these meetings?
4. If so, please share these minutes.
5. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) sent or received any correspondence – including emails, printed letters or 'app chats' (e.g., WhatsApp) - with any representative/s of the campaign groups Sex Matters or the LGB Alliance?
6. If so, how much correspondence has taken place (e.g., how many emails have been sent from each organisation, including replies) and with representative/s of which organisation?
7. If so, please share the correspondences.

I've attached a draft response as a word document. I can try and share an online version with you but I don't know if that will work as we are in different organisations / different email domains. Could I please seek your comments and feedback?

[REDACTED] – I am keen on your thoughts in particular on the proposed refinement. If Mr Ilett makes a new request then we will need to contact those staff involved, so please let me know whether you think my suggestion is feasible.

Happy to discuss this and any other cases.

With best wishes

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 07 March 2026 15:58  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOI advice - whatsapp

Dear [REDACTED]

Thank you for this feedback, very much appreciated. Apologies also that I'd failed to pick up on the ICO link on this topic.

We will begin circulating some drafts to several FOIs in the early part of next week and I'll talk to colleagues on this side about how best to incorporate DHSC along the lines of your suggestion.

Thanks again.

Best wishes

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 06 March 2026 17:59  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOI advice - whatsapp

H [REDACTED]

I'm a lawyer in [REDACTED] team and I've had a look at this query for you.

In relation to the question about whether information held on the personal devices of MHRA staff would be considered "held" by the MHRA for FOIA purposes, if the information relates to the MHRA's official business, then it would be considered to be held on behalf of the MHRA for FOIA purposes even if it is contained in private messaging accounts on private devices. I've linked the ICO guidance on this point in case it is of assistance ([Official information held in non-corporate communications channels | ICO](#)).

However, as you note in your original email, searching the private devices of around 1400 staff would presumably be very time consuming. As a result, it may be that you could apply the exemption in section 12 of FOIA to this request. This would require an assessment of what it would cost to comply with the request, to produce an estimate of costs to determine whether the appropriate limit would be breached. If you estimate that it would exceed the limit even to just confirm whether the MHRA holds the information then, under section 12(2), you wouldn't

need to do so. You are probably well aware of this exemption, but I've linked the ICO guidance to this as well, just in case it is helpful ([Requests where the cost of compliance exceeds the appropriate limit \(section 12\) | ICO](#)).

Also, given this area is generating quite a bit of attention for both the MHRA and DHSC, it might be a good idea to keep DHSC updated on your response, particularly about whether information held on personal devices is within the scope of FOIA requests.

Please let me know if there is anything further I can do to help on this matter, and I would be happy to have a call if you would like to discuss this further.

Best,

[Redacted]

[Redacted]

Lawyer  
MHRA, Medicines and Pharmacy Team  
DHSC Legal Advisers, Government Legal Department  
102 Petty France, London, SW1H 9GL  
Telephone: [Redacted]

---

**From:** [Redacted]

**Sent:** 03 March 2026 08:46

**To:** [Redacted]

**Subject:** RE: FOI advice - whatsapp

Morning Rebecca,

Thanks very much. I have since been wondering if information held on personal devices can be considered "held" by the MHRA as the devices are not ours!

In any case, the requestor is named Paul Ilett, no reference to an organisation or profession and it came from an outlook.com email address.

Best wishes

[Redacted]

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**From:** [Redacted]

**Sent:** 03 March 2026 08:22

**To:** [Redacted]

**Subject:** RE: FOI advice - whatsapp

Thanks [Redacted] We will look into this.

I had a quick immediate question please – who sent this FOI request – do you know?

Kind Regards,

[REDACTED]

[REDACTED]

Deputy Director, MHRA, Medicines and Pharmacy Team  
Legal Adviser to the Medicines and Healthcare products Regulatory Agency  
DHSC Legal Advisers, Government Legal Department  
*Pronouns: she/her*

102 Petty France, Westminster, London, SW1H 9GL  
Mobile [REDACTED]

[REDACTED]

**Working pattern:** *I finish at 3pm on Thursdays and Fridays*



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**From:** [REDACTED]  
**Sent:** 02 March 2026 22:09  
**To:** [REDACTED]  
**Subject:** FOI advice - whatsapp

Dear [REDACTED]

I hope this email finds you well.

As you may know, [REDACTED] is on leave for three weeks. I am (attempting!) to pick up work on FOIs and PQs, in particular around Pathways but there may be one or two other things as well.

I wanted to get your thoughts on the below request we have received (blue text). I am contacting our IT support team to ask if they can access any whatsapp messages from agency managed devices. I don't actually know if this will be possible given the attention whatsapp places on the privacy of messages in the app. I did wonder though, how far does the FOIA stretch in terms of members of MHRA staff who might be using whatsapp on a personal device but having any communications along the lines requested?

I'm not suggesting there is likely to be anything like that, but I don't know if we need to consider it and what the practicalities are of asking 1400 staff to confirm something like this, I suspect

that would be impractical to do and might breach the cost limit in any case. I've not encountered a request before which has asked about whatsapp messaging, so it is a new one on me.

We are not near drafting a response to this one – it only arrived at the weekend – but we may see other requests come through which reference whatsapp so it would be good for us to have an idea of the general position if possible.

If this is easier to do via a call please let me know.

With best wishes



**MHRA Customer Experience Centre**

Communications and engagement  
Medicines and Healthcare products Regulatory Agency  
10 South Colonnade, Canary Wharf, London E14 4PU

[gov.uk/mhra](http://gov.uk/mhra)

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\*\*\*Request starts\*\*\*

I would like to request the following information, as a Freedom of Information request.

1. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) had any meetings – face to face or virtual – with any representative/s of the campaign groups Sex Matters or the LGB Alliance?
2. If so, how many meetings have taken place and with representative/s of which organisation?
3. Were minutes taken at these meetings?
4. If so, please share these minutes.
5. In the past 12 months, has any representative of the Medicines and Healthcare products Regulatory Agency (MHRA) sent or received any correspondence – including emails, printed letters or 'app chats' (e.g., WhatsApp) - with any representative/s of the campaign groups Sex Matters or the LGB Alliance?
6. If so, how much correspondence has taken place (e.g., how many emails have been sent from each organisation, including replies) and with representative/s of which organisation?
7. If so, please share the correspondences.

\*\*\*Request ends\*\*\*

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