



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London
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www.gov.uk/dhsc

Mr Wynne Jones
cj-editor@biggeesblog.cymru

26/11/2020

Dear Mr Jones,

Freedom of Information Request Reference FOI-1275042

Thank you for your request dated 20 November 2020 in which you asked the Department of Health and Social Care (DHSC):

“I would be pleased to receive, under the F O I Act 2000, a copy of the Impact Assessment undertaken by D H S C regarding the mandatory requirement for certain members of the public to wear face masks under certain circumstances.”

Your request has been handled under the Freedom of Information Act (FOIA).

DHSC holds information relevant to your request. We have carried out an Equalities Impact Assessment. However, this policy is one that remains under development as we keep the list of settings this applies to under review, guided by the scientific evidence. Therefore, we are withholding this information under section 35 (1)(a) of the FOI Act.

This provides protection for the information that relates to the formulation or development of government policy. Section 35 is a qualified exemption and requires consideration of the public interest test. The Department recognises a general public interest in promoting openness in the way in which public authorities make decisions on policies. However, the purpose of the exemption at section 35 is to protect the internal deliberative process as it relates to policy making. In other words, the exemption is intended to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options, the keeping of detailed records and the taking of difficult decisions. Premature disclosure of information protected under section 35 could prejudice good working relationships, the perception of civil servants' neutrality and, ultimately, the quality of Government.

However, outside of the scope of the FOI Act, and on a discretionary basis, you may be interested in the following information. Guidance published on face coverings is available here:

<https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own>

This lists circumstances where someone may not be required to wear a face covering, for example on health or disability grounds, and provides templates for exemption cards for those who would

like to use one. The guidance also makes clear that those who rely on lip reading, facial expressions and clear sound may ask others to remove face coverings to aid communication.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/concerns/>

Yours sincerely,

Hazel Percy

Freedom of Information Officer
E: freedomofinformation@dhsc.gov.uk