UK Research and Innovation

[redacted]

30 April 2021

Dear [redacted]

Freedom of Information request: FOI2021/00157

Thank you for your Freedom of Information request received on the 18 March in which you requested the following:

Your request:

On the Gov.UK website under, Guidance: making a proposal for COVID-19 therapeutics clinical trials (https://www.gov.uk/government/publications/covid-19-treatments-making-a-proposal-for-clinical-trials/guidance-making-a-proposal-for-covid-19-therapeutics-clinical-trials - it states that:

"The UK-CTAP will be supported by a UK Research and Innovation (UKRI) led secretariat. The membership of the group and the record of the meetings will be published and updated periodically to reflect any changes in the membership details and the drug prioritisation process.

The panel will take specialist advice from sub-panels with expertise in strategically important areas for the treatment of COVID-19. These areas will change as we learn more about disease mechanisms in COVID-19 and its complications, and we advance our knowledge of the most effective treatments."

Please can you provide:
i) Electronic copies of UK-CTAP meeting minutes and;

ii) an excel spreadsheet as of the present date of this email to provide the total number of therapeutic compound proposals that have been received (identified by the submitting organisation and the date submitted to the Therapeutics Taskforce) and in the order the proposals were received.
Please provide the type of therapeutic, the date of the UK-CTAP review and outcome of the review such as - take no further or propose to enter the RECOVERY+, REMAP-CAP, PRINCIPLE or AGILE. Proposed Excel headings are:

Date submission received, Submitting Organisation, Compound name/type (ie Monoconal/small molecule/), Date reviewed by UK -CTAP, Review outcome (Recommended/Not recommended), Recommended for RECOVERY+, REMAP-CAP, PRINCIPLE or AGILE)

Our response

I can confirm UK Research and Innovation (UKRI) hold information relevant to your request. Please see the information attached.

With regard to part 1 of your request for copies of UK-CTAP meeting minutes, please note that only the decisions from these meetings are recorded, as opposed to minutes being taken. As publicly stated[1], UKRI's intention is to

[1] https://www.gov.uk/government/publications/covid-19-treatments-making-a-proposal-for-clinical-trials/guidance-making-a-proposal-for-covid-19-therapeutics-clinical-trials

make the information requested available to the general public, however the timetable for publication requires internal consideration of the information prior to its release. Taking this into account, we have determined that this information is exempt from disclosure under Section 22(1) of the FOIA as it is intended for future publication.

Section 22 is a qualified exemption meaning that it is subject to the public interest test.

Public interest in favour of disclosure

- UKRI understand that transparency and openness with regard to the functions of the UK-CTAP is in the public interest.

- There is also a public interest in understanding the work of public authorities in addressing the COVID-19 pandemic.

Public interest in favour of withholding the information

- UKRI understand that being transparent in regard to the work of CTAP is in the public interest. However, the information requested is still incomplete and we are of the view that releasing the information as it currently stands would be inaccurate, incomplete and misleading and thus not in the public interest.

- We consider that premature release would give a misleading impression of the outcomes of CTAP's recommendations and would put undue pressure on UKRI to publish outside of its scheduled timeframes. This would not be in the public interest.

- A full record of decisions made by CTAP will be published in accordance with our transparency duties once this information has been verified. It is in the public interest to enable the proper analysis and scrutiny of the information prior to publication in order to ensure there is scientific accuracy and that the greatest benefit is achieved from the public release of information on CTAP's decisions.

- UKRI needs to manage the availability of the information by planning and controlling its publication. This will enable UKRI to review all the information prior to release as it is likely other exemptions would apply to some of the sensitive information which will ensure release does not prejudice stakeholders.

We have therefore determined that the balance of the public interest lies in withholding this information, as the public interest does not justify release of this information outside of the scheduled timeframes. We anticipate that the information will be published in summer 2021.

With regard to part 2 of your request for *'an excel spreadsheet as of the present date of this email to provide the total number of therapeutic compound proposals that have been received (identified by the submitting organisation and the date submitted to the Therapeutics Taskforce)'* – '*Please provide the type of therapeutic, the date of the UK-CTAP review and outcome of the review',* please see the attached spreadsheet (FOI2021/00157 Copy of FOI Redacted List of Submissions).

The spreadsheet contains a list of therapeutics that have been submitted to UK-CTAP for consideration, by the date submitted to UK-CTAP, the type of therapeutic (compound), and drug grouping where available. For the outcome of the review please see spreadsheet (FOI2021/00157 Copy of Trial Recommendations) which lists the trial name and the drugs recommended for trial. Drugs that do not appear on this spreadsheet are currently not being prioritised. Information on the date of the UK-CTAP review will be published as part of the record of decision and therefore falls under the exemption at section 22 as detailed above.

We are withholding information on a number of therapeutics (compounds) under the exemption at section 43(2) commercial prejudice. Section 43(2) is a qualified exemption subject to the public interest test.

Public interest in favour of disclosure

- There is a general public interest in the transparency and openness of a public organisation.

- There is also a public interest in disclosure to ensure the accountability of public organisations and the effective operations of UK-CTAP.

Public interest in favour of withholding the information

- We consider that disclosure of information on therapeutics that are under consideration by UK-CTAP would be likely to cause damage to the commercial interests of companies applying to have their therapeutics considered under the UK-CTAP, where these are non-generic compounds with commercial sensitivity.

- Disclosure of information on pre-approval drugs or licensed drugs still under patent or those related to novel formulations of existing drugs would be likely to adversely impact on their commercial viability.

- Markets are highly competitive and sensitive to information and disclosing that specific companies have submitted applications and the outcomes of those applications would be likely to impact the market influencing public confidence and price movements.

- We also consider that confidence and trust in UKRI would be damaged if we were to disclose that particular therapeutics had been put forward to UK-CTAP and would be likely to impact UKRI's ability to operate as a secretariat for UK-CTAP.

Having considered the balance of the public interest in releasing and withholding the information we have concluded that the public interest in favour of maintaining the exemption at section 43(2) commercial prejudice outweighs the public interest in disclosure.

We also consider that the names of the submitting organisation fall under the exemption at section 41(1) information provided in confidence. As companies have submitted applications in confidence, we consider the information in relation to their applications is exempt under Section 41 of the FOIA.
To explain further, applicants submit their therapeutics to be considered by UK-CTAP in confidence with the understanding that organisational details will remain confidential. If released, we believe it would result in an actionable breach of confidence.

As this exemption is absolute there is no requirement to conduct a public interest test.

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact:

Head of Information Governance
Email: foi@ukri.org or infogovernance@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: http://www.ico.gov.uk/

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: https://www.ukri.org/about-us/policies-and-standards/complaints-policy/

Yours sincerely,

[redacted]
Information Governance
Information Rights Team
UK Research and Innovation
foi@ukri.org | dataprotection@ukri.org