



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Mr Mohammad Wasway

By email to: roadshow@thesanskaraplatform.co.uk
mail@thesanskaraplatform.co.uk

8 January 2024

Dear Mr Wasway,

Freedom of Information Request Reference FOI-1485042

Thank you for your revised request dated 6 December to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA). For ease, we have broken down your questions as follows:

Any communication, memoranda, or correspondence between the Department of Health & Social Care and other relevant authorities, such as the Home Office and the Medicines and Health Regulatory Agency (MHRA), regarding the regulation and guidance on the use of medical devices, specifically dry herb vaporisers/nebulisers and prescribed medication.

DHSC holds information relevant to your request.

However, to provide the information in line with your request as it is currently framed would exceed the appropriate cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for DHSC is set at £600, which represents the cost of one person spending 24 working hours determining whether we hold the information, and then locating, retrieving and extracting the information.

It may help if we explain that processing your request would require that many individuals search their records in order to locate and extract any relevant information. A large volume of information in relation to your request will need to be individually reviewed in detail in order to determine if it contains information within scope of your request. We have estimated that the cost of reviewing the information requested would exceed the appropriate limit. Consequently, we will not be answering your request.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider refining this part of your request to a short, specific timeframe. However, we cannot guarantee that section 12, or any other exemptions, will not apply to a reframed request.

Any official guidance, policies, or documents related to the use of medical devices, specifically dry herb vaporisers/nebulisers, and prescribed cannabis medication in public and private spaces.

Any updates or amendments made to the aforementioned documents within the last 12 months.

In relation to vaporisers (vapes) as a medical device, DHSC does not hold the information you have requested. However, you may wish to contact the Medicines and Healthcare products Regulatory Agency (MHRA), as it may have the information you have requested. You can contact it at info@mhra.gov.uk.

Outside of the scope of the FOIA, and on a discretionary basis, you may be interested in the following guidance published by the MHRA on vapes: [Guidance for licensing electronic cigarettes and other inhaled nicotine-containing products as medicines - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guidance-for-licensing-electronic-cigarettes-and-other-inhaled-nicotine-containing-products-as-medicines).

Regarding prescribed cannabis medication, as the information held is in the public domain we will, under section 21 of the FOIA (information accessible to the applicant by other means), refer you to the published source.

DHSC has issued guidance entitled [Controlled Drugs \(Supervision of management and use\) Regulations 2013: Information about the Regulations](https://www.gov.uk/guidance/controlled-drugs-supervision-of-management-and-use-regulations-2013-information-about-the-regulations), which is published on www.gov.uk. This guidance is aimed at healthcare professionals concerning the regulation and governance systems around the management and use of controlled drugs.

NHS Trusts will have local policies concerning the use and administration of patient's own medicines, including controlled medicines. The advice is therefore always to declare any medicines prescribed on the NHS or privately and discuss with the clinical team on admission. The NHS has also published public facing information on www.nhs.uk concerning individual medicines. This includes, for example, advice to patients and the public about medical cannabis, a form of controlled medicine.

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 sent to freedomofinformation@dhsc.gov.uk or to the address at the top of this letter and be submitted within two months of the date 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.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team
freedomofinformation@dhsc.gov.uk

Annex

From: The Sanskara Platform <roadshow@thesanskaraplatform.co.uk>
Sent: 06 December 2023 13:42
To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>
Subject: Re: DHSC - FOI-1481772 - Guidance on the Use of Medical Devices and Prescribed Controlled Medication in Public and Private Spaces [Revised]

Dear Sir/Madam,

Freedom of Information Request: Guidance on the Use of Medical Devices and Prescribed Controlled Medication in Public and Private Spaces. *[Revised]*

I am writing to make a formal request under the Freedom of Information Act 2000 for access to information held by the Department of Health & Social Care regarding the guidance on the use of medical devices and prescribed controlled medications (as per MDR 2001 – Schedules 2 – 5) in public and private spaces, in addition to the official guidance provided by the medical practitioner.

I am particularly interested in any guidelines, policies, or documents that outline the regulations and recommendations for individuals who rely on medical devices, specifically dry herb vaporisers/nebulisers, and prescribed cannabis medication to manage their health conditions in various settings. This may include information on security procedures, legal requirements, and any specific considerations related to the use of such devices and medication in public places.

To assist in the processing of this request, I would appreciate it if you could provide the following:

- Any official guidance, policies, or documents related to the use of medical devices, specifically dry herb vaporisers/nebulisers, and prescribed cannabis medication in public and private spaces.
- Any updates or amendments made to the aforementioned documents within the last 12 months.
- Any communication, memoranda, or correspondence between the Department of Health & Social Care and other relevant authorities, such as the Home Office and the Medicines and Health Regulatory Agency (MHRA), regarding the regulation and guidance on the use of medical devices, specifically dry herb vaporisers/nebulisers and prescribed medication.
- If certain parts of the requested information are exempt from disclosure, I request that you provide the remaining non-exempt information. Please specify the reasons for any redactions or exemptions.

I understand that you are required to respond to my request within 20 working days. If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all non-exempt material. If you need any further clarification, please do not hesitate to contact me by email at mail@thesanskaraplatform.co.uk

Thank you for your attention to this matter. I look forward to receiving the requested information within the statutory timeframe.

Yours faithfully,

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Mohammad Ismail "Ish" Wasway

Managing Director | Medical Cannabis Patient

The Sanskara Platform CIC

www.thesanskaraplatform.co.uk