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Honours and Appointments Secretariat

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By e-mail to Michael McCarthy

20 May 2009

*Dear Mr McCarthy,*

**Cabinet Office Reference: FOI 264737**

I refer to your request of 23 April 2009 under the Freedom of Information Act 2000 ('the Act') for information about the forfeiture committee, Lord Archer, Dame Shirley Porter and Sir Fred Goodwin.

The Act provides the applicant with an access right to recorded information held by public authorities (in this case the Cabinet Office). A 'valid' request under the Act is therefore one that asks for recorded information held by the Cabinet Office and not one that seeks answers to questions. Your email of 23 April includes a number of questions which are not requests for recorded information. Outside our obligations under the Act I have tried to provide an answer to these questions where I can.

You asked: 'I'd like to know if the honours forfeiture committee chaired by Sir Gus O'Donnell has ever been asked, or decided of its own volition, to consider whether honours should be forfeited by Lord Jeffrey Archer (imprisoned for perjury) and Dame Shirley Porter (surcharged over the Westminster Council "homes for votes" election scam), and whether it did ever meet to discuss either of these individuals.'

'I'd also like to know if the committee has discussed, or has any plans to discuss, the case of the former chairman of RBS, Sir Fred Goodwin.'

This is a number of questions.

- a) In the case of Lord Archer, the process for the grant of life peerages is different from honours and there is no automatic process to remove a life

peerage. This would require an Act of Parliament. The Honours Forfeiture Committee would not be involved in the case of a life peer.

- b) In the case of the Honours Forfeiture Committee, I cannot comment on individual forfeiture cases but all forfeitures are published in the London Gazette.

You also said: 'I'd like to see the records of the discussions... and I'd also like to see a list of all the dates when the committee has met, and the names of all the persons whose cases were discussed on each occasion.'

This information is being withheld under Section 40 Personal Information, and Section 44 in conjunction with the Human Rights Act which requires us to respect individual's private lives; and section 37 (b) the conferring by the Crown of any honour or dignity; Sections 40 and 44 are absolute exemptions. Section 37 is a qualified exemption and is subject to a public interest balance test. I consider that under Section 37 the public interest, on balance, will not be served by the disclosure of this information. Whilst fully appreciating the importance of accountability and the transparency of government, it is important that there is space to consider and fully reflect on all issues and that the decisions about honours continue to be taken on the basis of full and honest exchanges of information between members of the committee who must be able to have frank exchanges of view.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Sue Gray  
Director  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

email: [foiteam@cabinet-office.x.gsi.gov.uk](mailto:foiteam@cabinet-office.x.gsi.gov.uk)

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

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

Yours sincerely



Marion Moore  
Honours and Appointments Policy Officer