

11 February 2010

Michael McCarthy
request-10896-19397631@whatdotheyknow.com
(by email only)

Dear Mr McCarthy

REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000

Thank you for your e-mail of 22 May 2009, in which you requested that I review the decision made in relation to your earlier request for information relating to the Forfeiture Committee, Lord Archer, Dame Shirley Porter and Sir Fred Goodwin. Please accept my apologies for the delay in replying.

You asked a number of questions. Our first letter to you of 20 May 2009 explained that the Honours Forfeiture Committee would not be involved in the case of a life peer. In relation to your remaining questions, I have fully and carefully investigated the case and I can confirm that this Department does hold information within the scope of your request. However, we consider that this information is, exempt under section 40(2) (personal data) and section 44 in conjunction with the Human Rights Act which requires us to respect individuals' private lives. These exemptions are absolute.

The information is also being withheld under section 37 (b) (the conferring by the Crown of any honour or dignity). This is a qualified exemption and subject to the public interest balance test. I set out our position on the public interest test below. In doing this, I have set out below some more information on the operation of the Forfeiture Committee which I hope you find helpful.

We welcome and fully understand the desirability of the transparency and openness of government and recognise that there is a public interest in the operation of the Honours System. The Honours System was reformed in 2005 with the aim of increasing its independence, transparency and accountability. You may be interested to know that details of the Forfeiture Committee, including its membership and its role, are now published on the honours pages on www.direct.gov.uk. As you are probably aware, the Committee exists to consider cases where an individual's actions subsequent to their being awarded an honour raise the question of whether they should be allowed to continue to be a holder of the honour. I can tell you that the Committee met for the first time last year. Up to that point, the Committee had dealt with matters by correspondence. The Committee normally still conducts its business by correspondence, although it now aims to meet at least once a year to review any policy issues and cases which have arisen.



Nevertheless, notwithstanding the desirability of increased transparency in the UK Honours System, we consider that it is also in the public interest to maintain the integrity of the main policies which underpin its operations. The Forfeiture Committee is part of the UK Honours System. As part of the Honours System, nominations and enquiries are made in respect of individuals on a confidential basis as to whether an individual would be suitable to receive an honour, and if necessary, whether any honour should be forfeited. A central part of the Honours System is that we do not divulge information about successful or unsuccessful candidates. This is to ensure that those who provide nominations and any subsequent comments relating to the honour are confident that they may be open and specific as they need to be without risk of public disclosure; and that decisions about all aspects of honours may continue to be taken on the basis of full and honest information about the individual concerned. Hence, the subjects discussed by the Forfeiture Committee remain confidential.

So whilst the way in which the Honours System works is now much more open and transparent following its reform in 2005, with regard to specific honours nominations and enquiries there is nonetheless a strong public interest in maintaining the confidentiality of communications between an individual and the government so as to ensure confidence and privacy on both sides. Forfeiture action is confidential and we cannot comment on whether or not specific cases or issues are being or have been considered by the Committee. I agree that it should be a matter of public record if the Forfeiture Committee should confirm any case that came before it, but this is already the case since, as we have already said, any forfeitures are published in the London Gazette.

In conclusion, I have given the matter you raised careful consideration, however, I believe that on this occasion the public interest would not be served by disclosing the information you have sought in respect of whether specific names have been considered by the Forfeiture Committee. I am satisfied that the public interest lies in maintaining the exclusion. and I confirm that the decision conveyed to you in Marion Moore's letter of 20 May 2009 is correct.

If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Yours sincerely,

Zara Smart

PP. SUE GRAY



INVESTOR IN PEOPLE

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