

28 July 2010

Jonathan Cook Esq.  
request-11082-fe470388@whatdotheyknow.com  
(by email only)

*Dear Mr Cook,*

**FREEDOM OF INFORMATION ACT 2000**

On 28 April 2009 you emailed the Cabinet Office requesting the following information:

*Could you please make available all e-mail and other written correspondence from Gus O'Donnell relating to the complaint from former Prime Minister John Major in 2008 concerning his complaint to Gus O'Donnell regarding the behaviour of Damian McBride.*

Your request for information has been handled under the terms of the Freedom of Information Act 2000 ('the Act'). I am very sorry for not replying before now.

The Cabinet Office does hold one piece of correspondence that falls within the scope of your request. (The correspondence also relates to a number of other issues not within the scope of your request and we have, therefore, not considered them as part of this reply).

The information within the scope of your request is exempt under section 36(2)(c) (prejudice to the effective conduct of public affairs) of the Act. This exemption is subject to the public interest test and I have therefore considered whether the public interest falls in favour of releasing the information, or whether it falls in favour of maintaining the exemption and withholding the exemption.

In favour of releasing the information, I have considered the general public interest in openness and transparency. I do of course accept that this is the starting point for which requests for information should be considered – as this general public interest is an important one. There is also a public interest in the role of Government spokespersons, and that ensuring their actions are in accordance with the appropriate Code of Conduct.

On the other hand, there is also a strong public interest in favour of maintaining the exemption. Officials, including the Cabinet Secretary, must be able to correspond in confidence with others on matters which concern all

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involved. Disclosing details of these discussions would undermine the basis of trust and confidentiality on which this dialogue is based and would therefore prejudice the effective conduct of public affairs. If the content of these discussions were to be disclosed sensitive issues might not be raised in the future for fear that future correspondence, on whatever issue, might be released.

Having considered all the circumstances of the case, I believe the balance of public interest falls in favour of withholding the information exempt under section 36(2)(c) of the Act.

Once again, I apologise for not having replied before today.

If you have any queries about this letter, please contact me. Please remember to quote the reference number below 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,*

**MICHAEL PIGOTT**



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