

10 August 2010

P. John
request-13281-af63b306@whatdotheyknow.com
(by email only)

Dear Mr John,

**REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT
2000**

Thank you for your internal review request of 3 July 2009. Your original request listed a number of questions relating to the UK's response to infringement proceedings on 'Phorm'. I have carefully reconsidered the handling of your case. I apologise for the delay in responding.

Cabinet Office's original response to your request informed you that some of the information you requested was held by this Department, whilst other information was not held. The information which Cabinet Office holds was the information which you requested under questions 3 and 5, which asked Cabinet Office to disclose in full a copy of the UK response to the European Commission and correspondence between the Cabinet Office and other UK government departments contributing to the response in full. The information held under these questions was exempted by virtue of sections 27 and 35 (1) (a) and the public interest test applied. Cabinet Office's original response stated that it would not be in the public interest to release this information. However, it may help if I expand upon the reasons why I consider it is not in the public interest to release this information.

The information which you requested and which this department holds relates to the UK's response to the Commission in relation to an ongoing infraction. Whilst the public will have an interest in knowing details of infraction cases open against the UK, it does not necessarily follow that the public interest in seeing the Government's negotiations with the Commission on this case outweigh the likely prejudice to the UK's relations with the European Commission should the full response be released at this stage. Furthermore, releasing details of the UK's response to the Commission at this stage may damage the HM Government's development of policy in this area. I hope that this helps explain our decision to withhold the information at this stage.



I am of the view that Cabinet Office's original response to this request should be upheld. I have looked afresh at the request and can confirm that this department holds no information under question 4 for correspondence between the Cabinet Office and the European Commission concerning this matter. Further information may of course be held by other Government Departments.

If you are unhappy with the handling of your request for information you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contact at:

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

Yours sincerely,

Zara Smart

pp. SUE GRAY

