



28 January 2009

Michael Bimmler
request-4509-030d9e83@whatdotheyknow.com
(by email only)

Dear Mr Bimmler,

FREEDOM OF INFORMATION ACT 2000

I am writing in response to your email of 4 December 2008, in which you made the following request under the Freedom of Information Act:

I would like to request all records held by the Cabinet Office or Downing Street 10 pertaining to the arrest of Mr Damian Green MP and the search of his offices including the preparation and evaluation of these actions. This request covers but is not limited to

- Written communication to which the Cabinet Office or Downing Street 10 was party or was copied on (eg. correspondence by and with the Home Office, the MPS, the House of Commons authorities and the Greater London Authority)
- Records, memoranda or other notes of conferences or telephone calls in this matter.

Information on the investigation, including details of Police contact with Cabinet Office over the arrest of Damian Green MP, has been made available in the memorandum *The Role of the Cabinet Office in Leak Investigations*. The memorandum was submitted to the Public Administration Select Committee, dated 10 December 2008, and is available online at the following address:

http://www.parliament.uk/parliamentary_committees/public_administration_select_committee/pasc0809leaksmemos.cfm

The submission of this memorandum was noted in the response to a Parliamentary Question (ref. 240959) given by Liam Byrne MP on 9 December 2008. The response also contained information relating to the investigation and the arrest of Damian Green MP and is available on the Parliament website:

<http://www.publications.parliament.uk/cgi-bin/semaphoreserver?DB=semukparl&FILE=search>.

For further details of the investigation and arrest, I would like to refer you to statements made by Sir David Normington, Permanent Under Secretary at the Home Office, on 28 November 2008 (available on the Home Office



website: <http://www.homeoffice.gov.uk/about-us/news/statement-leaks>) and Jacqui Smith MP, the Home Secretary, on 4 December 2008 (available on the Parliament website: <http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm081204/debtext/81204-0003.htm#08120434000004>).

With reference to other records, memoranda or other notes, I can confirm that Cabinet Office holds information relevant to your request. This information is exempt from release under section 31(1) of the Act (regarding law enforcement). In applying section 31, the Act requires that I consider whether the balance of public interest favours the release of information or the maintenance of that exemption. The release of information relating to the conduct of a particular investigation could prejudice the outcome of that investigation and potentially damage similar law enforcement operations in future. In this case I am satisfied that the public interest in maintaining the effectiveness of law enforcement outweighs the potential benefits of releasing the information requested.

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

E-mail: 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,
Rebecca Kingston*

REBECCA KINGSTON

