



# HOUSE OF COMMONS

John Cross (via email)  
request-7928-f45931d0@whatdotheyknow.com

15 February 2010

*Dear Mr Cross*

## **Internal Review-FOI-047**

Thank you for your request for an internal review of your request F09-47.

First of all, I apologise that this internal review has taken so long to conclude. This has been because we have needed to consider carefully legal arguments about the way the role of qualified person in relation to the House of Commons' application of section 36 of the Freedom of Information Act 2000 is concerned. We have concluded that the section ought not to be invoked without obtaining the prior reasonable opinion of Mr Speaker. That was not done in respect of your request. Our original letter of refusal is therefore withdrawn.

We have also decided that, since the internal review which was the subject of your request is concluded, it is no longer necessary for us to seek to claim the section 36 exemption in respect of the information you sought. Consequently, the matter has not been placed before Mr Speaker.

We therefore enclose all internal documents and email relating to the consideration, consultation and testing of options relating to the review of Mr Irving's original request, except those documents relating to the internal review which are subject to legal professional privilege, and are therefore exempt from disclosure under section 42(1) of the Freedom of Information Act. This is a qualified exemption and we have therefore carried out a public interest test. Factors in favour of disclosure include the public interest in transparency in how public authorities deal with requests under the Act and in how public money and resources are used in dealing with those requests. Factors in favour of withholding this information include the public interest in enabling public authorities to obtain full and proper legal advice, thus enabling informed decision-making to take place. It is well established that the public interest in maintaining legal professional privilege carries a great deal of weight and we consider that these factors outweigh those in favour of disclosure.

We have also redacted the names of House staff below the Senior Commons Structure. These names are exempt from disclosure under section 40(2) and 40(3)(a)(i), as they constitute personal data which cannot be disclosed without

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INVESTOR IN PEOPLE

request history on the What Do They Know website. It will not breach the data protection principles to disclose these names.

If you remain dissatisfied with our response, you may appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

*how much*

A handwritten signature in blue ink, appearing to be 'AJ' with a stylized flourish.

**A J Walker**  
**Director General of Resources**