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Mr G Freeman
(by email only: request-8416-bf96232d@whatdotheyknow.com)

Dear Mr Freeman,

Thank you for your email of 17th July 2009 requesting an internal review of the Cabinet Office's handling of your request for information of 24th February 2009. I have undertaken the Internal Review on behalf of the Cabinet Office. I apologise for the delay in replying.

In your original request you asked for "information relating to the setting up of the website realhelpnow.gov.uk, including but not limited to emails discussing the reasons for setting the site up and what content to include; minutes of meetings discussing the same issues; stakeholders' comments regarding the setting up of the site and/or its content; the budget relating to the setting up and maintenance of the site, and how this was agreed upon; and the content and conclusions of any discussions concerning whether the site is a cost-effective use of civil servants' time and/or taxpayers' money, and whether or not it breaches rules concerning political neutrality."

In your request for an internal review you asked for "more details of how the public interest was deemed to be upheld by not disclosing the information that is considered to fall within Section 35 of the Freedom of Information Act 2000."

I have now completed my review of the handling of your request and am satisfied that in this case the public interest test was correctly applied where the department withheld information under Section 35(1)(a) of the Act, as the information related to development of government policy. It is important that the Government has some protection for the space around policy development, and in the case of the information which you have requested, the public interest strongly favours withholding this information. The original letter that you received should have specified that the 'development of Government policy' is section 35(1)(a) of the Freedom of Information Act (rather than just section 35) and I apologise for this oversight. The full text of the exemption is attached.

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 contacted at:

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

Yours sincerely

ROGER SMETHURST

35 Formulation of government policy, etc

(1) Information held by a government department or by the National Assembly for Wales is exempt information if it relates to—

(a) the formulation or development of government policy,

(b) Ministerial communications,

(c) the provision of advice by any of the Law Officers or any request for the provision of such advice, or

(d) the operation of any Ministerial private office.

(2) Once a decision as to government policy has been taken, any statistical information used to provide an informed background to the taking of the decision is not to be regarded—

(a) for the purposes of subsection (1)(a), as relating to the formulation or development of government policy, or

(b) for the purposes of subsection (1)(b), as relating to Ministerial communications.

(3) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(4) In making any determination required by section 2(1)(b) or (2)(b) in relation to information which is exempt information by virtue of subsection (1)(a), regard shall be had to the particular public interest in the disclosure of factual information which has been

used, or is intended to be used, to provide an informed background to decision-taking.

(5) In this section—

“government policy” includes the policy of the Executive Committee of the Northern Ireland Assembly and the policy of the National Assembly for Wales;

“the Law Officers” means the Attorney General, the Solicitor General, the Advocate General for Scotland, the Lord Advocate, the Solicitor General for Scotland and the Attorney General for Northern Ireland;

“Ministerial communications” means any communications—

(a) between Ministers of the Crown,

(b) between Northern Ireland Ministers, including Northern Ireland junior Ministers, or

(c) between Assembly Secretaries, including the Assembly First Secretary, and

includes, in particular, proceedings of the Cabinet or of any committee of the Cabinet, proceedings of the Executive Committee of the Northern Ireland Assembly, and proceedings of the executive committee of the National Assembly for Wales;

“Ministerial private office” means any part of a government department which provides personal administrative support to a Minister of the Crown, to a Northern Ireland Minister or a Northern Ireland junior Minister or any part of the administration of the National Assembly for Wales providing personal administrative support to the Assembly First

Secretary or an Assembly Secretary; “Northern Ireland junior Minister” means a member of the Northern Ireland Assembly appointed as a junior Minister under section 19 of the [1998 c. 47.] Northern Ireland Act 1998.