

Michael Bimmler

[request-8437-e0ef4fdd@whatdotheyknow.com](mailto:request-8437-e0ef4fdd@whatdotheyknow.com)

4 June 2009

Dear Mr Bimmler,

**FOI request (our reference FOI 264882)**

I am writing regarding your request for information, which the Cabinet Office received on 30 April 2009. Your request is being handled under the Freedom of Information Act 2000. This request followed two earlier requests with which we were unable to comply without exceeding the cost limit.

In the first request, you asked for:

*'all information held by the Cabinet Office on the consideration and decision of this [the request for the Cabinet minutes of 13 and 17 March 2003] entire FOI case, as long as that information has not already been published. If this request will infer excessive costs, I am willing to narrow it down to records and documents pertaining to the consideration of whether a section 53 certificate shall be issued or not or which in other ways are directly or indirectly concerned with this section 53 certificate. I explicitly include internal correspondence and correspondence with other parties (both governmental and external) concerning this case, resp. in the "narrow" version of my request, concerning the certificate.'*

Following my letter of 25 March, you narrowed your request to cover information held by the Economic and Domestic Affairs Secretariat. In your request of 30 April 2008 you narrowed your request by time period. I have looked at the material we hold, and judge that the narrowest definition (17 February 2009 - 24 February 2009) will fall under the costs limit.

The FOI Act obliges us to respond to requests promptly, and in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to the information and the public interest test is engaged, the Act allows the time for response to be longer than 20 working days, and a full response must be provided within such time as is reasonable in all circumstances of the case. We do, of course, aim to make all decisions within 20 working days, including in cases where we need to consider where the public interest lies in respect of a

request for exempt information. In this case, however, we have not yet reached a decision on where the balance of the public interest lies.

In your case we estimate that it will take an additional 20 days to take a decision on where the balance of the public interest lies. Therefore, we plan to let you have a response by 29 June. If it appears that it will take longer than this to reach a conclusion, we will keep you informed.

The specific exemptions which apply in relation to your request are sections 27 (international relations), 35 (1) (a) and (b) (information relating to the formulation of policy and ministerial communications) and 42 (legal professional privilege).

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



**KATHRYN FAIRHURST**