

22 July 2010

Janine Baker
request-9461-9fc427ad@whatdotheyknow.com
(by email only)

Dear Ms Baker

REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000

I am writing further to your emails about the Cabinet Office's handling of your request for information, under the Freedom of Information Act 2000 ('the Act'), of 17 March 2009. I have reproduced your request below for ease of reference:

Under the Freedom of Information Act, please can you provide me with copies of all minutes of the Intelligent Customer Function and other similar Management Meetings held by the 'public sector flex' team since 1 January 2007.

And your subsequent email of 8 April 2009 in which you requested the following information:

any background documents which are referred to in the agenda or minutes or were circulated in preparation for the Intelligent Customer Function and other similar Management Meetings of the public sector Flex team.

You raised a number of points in your emails to the Cabinet Office about this case which, I think, fall into three broad categories:

- A request for an internal review into the handling of your request (i.e. focusing on the procedural issues);
- A request for an internal review into the exemptions cited in the response to your request; and
- A formal complaint under the Cabinet Office's complaint handling procedures that are detailed on our website here: <http://www.cabinetoffice.gov.uk/ContactUs/Complaints.aspx>

I will address each of these points in turn.



Review of the handling of your request

You stated in your email of 4 July last year, following the Cabinet Office's letter of 3 July, that you would like me to review how the department handled your request.

The issues you raised were the fact that an official in the department did not keep you informed about the progress of your request, despite a number of reminders, and the lack of an acknowledgement of your request for an internal review of 2 June.

Having now looked into this I accept that the handling of your request was poor and for this I apologise. First, the response of 8 April 2009 cited section 41 of the Act and implied that we were extending the time to consider the public interest under this exemption. Section 41 is however an absolute exemption and the response should have been clearer on this. Second, we should have sent you a response on 13 May 2009 (as we stated we would in our response of 8 April 2009). We did not do so and therefore breached the Act. Third, we did not reply in a timely fashion (or acknowledge) the emails you sent in May 2009 requesting an update on the handling of your request. Fourth, we did not acknowledge promptly your email of 3 June 2009 in which you requested an internal review. In short, I fully uphold your complaint about the procedural failures in the handling of your request and would like to apologise for this.

Review into the exemptions cited

Your email of 4 July 2009 also stated that you would like me to review the exemptions cited in the response to your request. You raised a number of points in this email, which I will not reproduce here, but queried the application of sections 40, 41 and 43 of the Act.

I understand that, colleagues in the Cabinet Office have since been in touch with you about the release of this information and the minutes of the relevant meetings are now being released and made available on the Cabinet Office's website. In the light of this decision I have not addressed the exemptions cited in the response.

Formal complaint into the Cabinet Office's handling of your case

In your email of 2 September 2009 you asked that I consider, in addition to the internal review, a formal complaint into the handling of your case. I have addressed this issue within the body of this letter for ease of reference, but this is obviously a separate matter to the handling of your request under the Act.

You stated in your email that:

my complaint is specifically about the FOI Team's role, failing to acknowledge/respond to messages and failure to adequately control the process for responding to requests.



First, I am sorry for not replying to your email before now. As you quite rightly pointed out, the Cabinet Office's complaint's procedure clearly says we will respond within a set timescale and this has not happened in your case.

Second, having looked into the handling of your complaint, I agree with you that the service was not appropriate. Your correspondence should have been acknowledged promptly and substantive responses sent to you in a much quicker timescale than they were. I am sorry that this happened and will endeavour to ensure that it does not happen again. I understand you since put in a new request for information on this subject and I hope you will agree that our handling of this request was significantly better than our handling of your request of 17 March 2009.

I am copying this letter to the Information Commissioner as I know you have been in touch with his office about your request. Once again, I am sorry for the delays and general handling you have experienced in this case.

Yours sincerely,

Zara Smart

PP. SUE GRAY

