



Disclosure Team
Ministry of Justice
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7 December 2020

Dear Dr O'Loughlin

Freedom of Information Act (FOIA) Request – 201109029

Thank you for your request dated 9 November 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

“On 7 September 2020, the Independent Review of Administrative Law issued a call for evidence. Please provide full copies of all the submissions received in response to this call for evidence.”

Your request has been handled under the FOIA.

I can confirm the MoJ holds all of the information that you have requested.

However, all the information is exempt from disclosure under section 36(2)(c) of the FOIA, because in the reasonable opinion of the MoJ's qualified person, its release would prejudice the effective conduct of public affairs. The Panel should have an opportunity to independently review and analyse all the evidence it has collected without interference. To disclose the evidence the Panel has collected before they have drafted or submitted their Report to Government would adversely affect the Panel's purpose and objectives, and further would likely result in resource pressures which could cause delay to the wider process.

Following the Panel's submission of its Report to Government, the Government will also require time to initially review and consider the Report and the underlying evidence.

Section 36 is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- The issues under consideration by the IRAL Panel are of constitutional importance, and the evidence on which the Panel's Report is based will provide context to the Panel's conclusions. There is therefore legitimate public interest in that evidence being released.
- Transparency is important to the Panel's process. Release of the evidence would increase transparency.

Public interest considerations favouring withholding the information

- The Panel has not yet reached any conclusions, and therefore the legitimate public interest in the release of the underlying evidence is not particularly strong at this time.
- The Panel must have a safe space in which to analyse and consider the evidence collected (including the submissions), away from the public gaze and to reach its conclusions. The damage that would likely be inflicted by premature release of evidence collected would impact on the Panel's deliberations and potentially their Report. It is not a credible use of the panel or government's time if they spend time and effort defending and debating publicly options, which are still being considered.
- Premature release of evidence collected also has the potential to interfere and/or distract the Panel's process, by causing delay to the Panel's process and the ultimate submission of their Report to Government.

On balance, I consider the public interest favours withholding the information at this time.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

IRAL Secretariat