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Andrew Partridge
request-280792-e7e61071@whatdotheyknow.com

FOI Reference: FOI321411
18/08/2015

Dear Andrew Partridge

I refer to your request where you asked:

“Please provide under the FOI Act all Cabinet Office advice to Ministers, including the Prime Minister and Secretary of State for Justice, about the transfer of responsibility for FOI from the Ministry of Justice to the Cabinet Office.”

I am writing to advise you that following a search of our paper and electronic records, I have established that the information you requested is held by the Cabinet Office.

The information is exempt under sections 35(1)(a) of the Freedom of Information (FOI) Act as it relates to the formulation and development of government policy. The disclosure of this information at the current time would have adversely affected the ability of officials to provide detailed advice on this issue, and would harm the ability of officials and ministers to discuss the merits of particular steps.

In line with the terms of this exemption in the FOI Act, we have considered whether it would be in the public interest for us to provide you with the information, despite the exemption being engaged.

There is a public interest in understanding the working and decision making process of the government and an accountability to provide assurance that the decision was taken on the basis of a full assessment of the benefits and risks associated with a change of this type. These public interests have to be weighed against a strong public interest that policy-making and its implementation are of the highest quality and informed by a full consideration of all the options.

Ministers and officials must be able to discuss policy freely and frankly, exchange views on available options and understand their possible implications. The candour of all involved would be affected by their assessment of whether the content of the discussions will be disclosed prematurely. The loss of the ability to have full discussions on the basis of such advice would damage the quality of decision making and lead to an adverse impact on the effective operation of government.

At the current time, having considered the circumstances of this case, I have reached the view that the public interest favours withholding this information under sections 35(1)(a) of the FOI Act.

If you have any queries about this letter, please contact the FOI team. 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:

Roger Smethurst
Head of Knowledge and Information Management
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

email: foi-team@cabinetoffice.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

Yours sincerely

A handwritten signature in grey ink, appearing to read 'R Smethurst', is positioned above the typed name of the FOI Team.

FOI Team
Cabinet Office