



Cabinet Office

Room 405
70 Whitehall
London, SW1A 2AS

foi-team@cabinetoffice.gov.uk
www.cabinetoffice.gov.uk

Chloe Clark

By email: request-677306-8a8249ee@whatdotheyknow.com

FOI Reference: FOI2020/10023
03/08/2020

Dear Chloe Clark

I refer to your request where you asked:

“Dear Government Equalities Office,

What were the full results of the consultation on the gender recognition act 2004?”

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.

However, the information you have requested is being withheld as it is exempt under section 22(1) of the Freedom of Information Act. Section 22(1) protects information intended for future publication. Section 22 is a qualified exemption and I have considered whether the balance of the public interest favours maintaining the exemption in section 22(1) or disclosing the information. The Freedom of Information Act recognises the desirability of information being freely available in its own right, but section 22 also acknowledges that public authorities must have the freedom to be able to determine their own publication timetables. This allows them to deal with the necessary preparation, administration and context of publication. At the time of your request there was (and remains) a firm intention to publish the requested information.

The exemption in section 22 engages the public interest test. When applying the test, the public authority is simply deciding whether, in all the circumstances of the case, it serves the interests of the public better to withhold or to disclose information. The public interest considerations in favour of immediate disclosure are that it would demonstrate the Government's commitment to responding to the consultation on the Gender Recognition Act 2004.

The public interest considerations against immediate disclosure are that the information to be published is still being considered and must be published at the appropriate time. We intend to publish the response in the coming period. Where information is intended for publication, as in this case, the Cabinet Office is entitled to control the timetable for publication. Here, it is better to disclose the information to the entire world at the same time, rather than putting it into the public domain by disclosing it prematurely to an individual applicant. This is a part of the effective conduct of public affairs.

As there is a commitment to publish, we are reasonably entitled to make our own arrangements to do so. After weighing up the competing public interest considerations, we consider it is reasonable that the information held should be withheld from disclosure until the future date of publication (section 22(1)(c)) and that the public interest in maintaining the exemption outweighs the public interest in disclosure.

If you have any queries about this letter, please contact the FOI Team quoting the reference number above.

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:

Eirian Walsh Atkins
Cabinet Office
70 Whitehall
London
SW1A 2AS

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 black ink, appearing to be 'A. B. M.', written in a cursive style.

*FOI Team
Cabinet Office*