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Andrew Watson
request-45561-f3b75caf@whatdotheyknow.com

Reference: FOICR 15904/10

Date: 12 October 2010

Dear Mr Watson

FREEDOM OF INFORMATION REQUEST

Thank you for your email of 20 August, asking for information about the Independent Scheme Assurance Panel (ISAP). This has been handled as a request for information under the Freedom of Information Act 2000 and, further to our letter of 21 September; we are now in a position to reply substantively.

You asked for:-

1. The 2009 annual report of the National Identity Scheme (NIS) Independent Scheme Assurance Panel (ISAP).
2. The Identity and Passport Service official response to the ISAP 2009 report.
3. The minutes of all meetings of the Independent Scheme Assurance Panel since its inception.
4. All papers and presentations presented to meetings of the Independent Scheme Assurance Panel since its inception.

The Identity and Passport Service (IPS) response is set out in the following Annex. If you are dissatisfied with this response you may request an independent internal review of any aspect of our handling of your application by submitting your complaint to the address below and quoting the reference FOICR 15904/10:

Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London
SW1P 4DF
Email: xxxx.xxxxxx@xxxxxxxxxx.xxx.xxx.xx

During the internal review the department's handling of your information request will be reassessed by members of staff who were not involved in providing you with this response.

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

Diane Lambert
Head of Parliamentary and Correspondence Management Team

Annex

IPS response:-

Qs 1 and 2: I can confirm that we hold the information that you requested. However, after careful consideration we have decided that the information is exempt from disclosure under section 22 (1) (a) & (b) of the Freedom of Information Act. This provides that the information is exempt where the information is held with a view to its publication by the authority at some future date. It has already been agreed that IPS will be publishing the 2009 Annual Report and the IPS response to that report. We undertake to do so before the end of December 2010

We have carefully considered whether to release the information to you in response to your request. However we have decided that releasing the information at this stage, before releasing it to others, would privilege you to the information before the rest of the general public.

Q3: I can confirm that we hold the information relevant to your request. However, we cannot locate the minutes for all of the meetings within the costs limit - please see the reasons set out in response to your Q4 below.

Regarding the minutes we have located, after careful consideration it has been determined that this information is exempt from disclosure by virtue of section 35 (i) (a) of the Freedom of Information Act. Section 35 (i) (a) allows us to withhold information if it relates to the formulation and development of government policy.

In applying this exemption IPS has had to balance the public interest in disclosing the information against the public interest of withholding it. In this case we believe that, in order to ensure good government decision making, the public interest lies in not disclosing the information.

Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out below:-

For Disclosure

There is public interest in the transparency of IPS' considerations and calculations and allowing the public to assure themselves that IPS is accountable.

Against Disclosure

We have considered the content of the minutes we have been able to locate and conclude that the content relates to the formulation and development of government policy. The ISAP were not a traditional "assurance" group in the sense that they were assuring the work that IPS had done. They did some of that, but they also acted as an 'advice' group, seeking to guide the development of the ID cards programme through discussion of our plans and through candid conversations with senior managers. This

kind of challenge and advice to the ID cards programme was very useful, especially as policies and plans were still being developed. The minutes reflect some of this challenge and the tentative nature of the plans and developments in the scheme being discussed. It is unarguably a good thing for managers of costly, complex, high-profile programmes such as ID cards to seek expert advice from external sources. If this material were to be released it would inhibit this kind of candid sharing of information and advice on future programmes and reduce the tools available to civil service managers to manage and guide their programmes.

Q4: We have estimated that the cost of answering your request, both in terms of locating and identifying the requested documents, would exceed the £600 limit. We are therefore unable to comply with it. Under section 12 of the Freedom of Information Act, IPS is not obliged to comply with an information request where it would cost more than £600 to do so.

I should explain that the information we have is not held in a form that is readily available. There are not always records of the papers submitted for a certain topic and the agenda item might just record "Papers", or they are listed as the papers submitted to, for example, the Programme Board and we would need to be careful to work out which meeting of that board was referred to. There is no record of the version number of many of the documents submitted and many of the documents are draft versions, so it is not readily apparent whether they were actually presented to the Panel. Records are not kept in a central location and there are no remaining IPS staff in post who formed part of the secretariat for the ISAP for us to approach for advice. This also applies to locating the minutes of all the meetings; see our response to your Q3 above.

The £600 limit applies to all central government departments and is based on work being carried out at a rate of £25 per hour, which equates to 3 ½ days work per request. The cost of locating and retrieving information and preparing the response can be included in the costs for these purposes. The costs do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or items such as photocopying or postage.

We have estimated that locating and identifying all papers and presentations presented to meetings of the Independent Scheme Assurance Panel since its inception would take at least 5 working days.

If you refine your request so that it is more likely to fall under the cost limit, we will consider it further. I should mention that if you simply break your request down into a series of similar smaller requests, we might still decline to answer if the total cost exceeds £600.