



Cabinet Office

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JJ Evans

By email: [request-738177-2b8bb8fa@whatdotheyknow.com](mailto:request-738177-2b8bb8fa@whatdotheyknow.com)

FOI Reference: FOI2021/06183

16/07/2021

Dear JJ Evans

I refer to your request where you asked:

*"Please provide copies of all emails held by the FOI Team, IBI Sponsor Team & Press Office during the period 5th Dec 2020 - 15th Dec 2020 which relate to Open Democracy's story about infected blood."*

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 you have requested is being withheld because it is exempt under either section 36(2)(b)(ii), (2)(c) or section 40(2) of the Freedom of Information Act.

In the opinion of a qualified person, its disclosure would inhibit the free and frank exchange of views for the purposes of deliberation and would otherwise prejudice, or would be likely to otherwise to prejudice, the effective conduct of public affairs. Section 36 is a qualified exemption and I have considered whether the balance of the public interest favours our release of this material.

I appreciate that there is a general public interest in disclosure of public information and recognise that openness in government may increase public trust in and engagement with the government. The information requested might deepen public understanding and therefore lead to more informed public consideration of the department's handling of FOI requests.

I have weighed these public interests against a strong public interest in preserving a 'safe space' to allow the free and frank exchange of views and the effective conduct of public affairs. Senior officials must be able to discuss the approach to individual FOI and press cases candidly and openly, receive free and frank advice from departmental colleagues, and fully understand the possible implications. If discussions were routinely made public there is a risk that Ministers and senior officials may feel inhibited from being frank, candid and completely honest. Consequently, the quality of debate underlying collective decision making would decline, leading to poorer decision making. This would in turn be detrimental to the effective management of the wider FOI and Press Office processes.

Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information.

Some of the information contained in the material is exempt under section 40(2) of the Freedom of Information Act. Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would, amongst other things, contravene one of the data protection principles in schedule 1 of the Data Protection Act. In this case, I believe disclosure would contravene the first data protection principle, which provides that personal data must be processed fairly and lawfully. Section 40(2) is an absolute exemption and the Cabinet Office is not obliged to consider whether the public interest favours disclosing the information.

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:

Rachel Anderson  
Head of Freedom of Information  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

email: [foi-team@cabinetoffice.gov.uk](mailto: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:

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