



Office for Security and Counter-Terrorism
2 Marsham Street, London, SW1P 4DF
OSCTFOI@homeoffice.x.gsi.gov.uk Website: www.homeoffice.gov.uk

request-55546-7b9c4104@whatdotheyknow.com

16 February 2011

FOI request 17198

Dear Mr Hanff,

Thank you for your e-mail of 21 December in which you ask the following:

Please provide a copy of all communications with any CSP regarding RIPA from 1st January 2010 - 7th December 2010.

Please provide a list and where possible, transcripts/recordings of phone calls with any CSP regarding RIPA from 1st January 2010 – 7th December 2010.

Please provide a list of meetings and where possible, minutes of those meetings with any CSP regarding RIPA from 1st January 2010 - 7th December 2010 (whether they took place at the Home Office or at the offices of CSP involved).

Finally, please provide copies of all internal communications (including emails and memos) which discussed the management of the review consultation including (but not limited to) any communications which discussed the management of the review consultation, length of review consultation and which parties should be invited to engage; from 1st January 2010 - 20th December 2010.

Your request is being handled as a request for information under the Freedom of Information Act 2000.

Under section 12 of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the cost limit.

We hold information relevant to your request but we have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. We are therefore unable to comply with it. This is because relevant information is held by many officials across the department and across a broad range of topics concerning RIPA. To trawl through this information would exceed the time and cost limits set out in the Freedom of Information Act. Please note that this is not an indication of



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whether any or all of the information that may be relevant is subject to any exemptions under the Freedom of Information Act.

The £600 limit is based on work being carried out at a rate of £25 per hour, which equates to 24 hours of work per request. The cost of locating, retrieving and extracting 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.

If you refine your request, so that it is more likely to fall under the cost limit, we will consider it again. This may be achieved by narrowing the scope of your request to a specific topic or aspect of RIPA.

Please note that if you simply break your request down into a series of similar smaller requests, we might still decline to answer it if the total cost exceeds £600.

In relation to your fourth request, after careful consideration we have decided that the information requested is exempt from disclosure by virtue of section 35(1)(a) (formulation of government policy), Section 35(1)(a) is a qualified exemption. Details of the public interest test in favour of releasing and withholding the information are attached as an annex to this letter.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 17198. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Home Office
Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF
e-mail: FOIRequests@homeoffice.gsi.gov.uk

Yours sincerely,

J Fanshaw



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Section 35(1)(a) – The formulation and development of government policy

The Exemption

‘35(1) – Information held by a government department or by the National Assembly for Wales is exempt information if it relates to-

(a) the formulation or development of government policy’

Considerations Favouring Disclosure

Considerations which favour the disclosure of information covered by this exemption include the need for openness and transparency, particularly, in this instance, the development of new legislation. Release of this information could be said to have the effect of encouraging greater public involvement in the development of policy, thus increasing public participation in the political process and the level of public debate. An improved quality of debate should impact positively on policy outcomes, as proposals would have been subject to a greater degree of public scrutiny and discussion.

Considerations Favouring Non-Disclosure

There are a number of significant public interest considerations which favour the non-disclosure of the information covered by this exemption. The most prominent of these factors is the effect release would have on the development of future government policy. It is vital to the process of preparing quality legislation that officials are able to give advice freely and frankly to senior officials and Ministers. Such a release may have the effect of constraining the frankness of advice produced by officials in future. The public interest in this instance is best served by officials and Ministers being allowed to formulate policy, in the confidence that their deliberations will not be made public. Routine release of this information could have the effect of discouraging officials from providing full and frank advice and challenging established ideas, all important parts of the policy formulation process. In essence, officials and Ministers need to be given the space to ‘think the unthinkable’, without fear that such deliberations would be prematurely released and subject to the rigours of public political debate.

Routine release of information protected by this exemption could also lead to a negative effect on the impartiality of the civil service. There would undoubtedly be a greater risk of officials coming under political pressure not to challenge established ideas or orthodoxies. The quality of advice provided and its impartiality are hallmarks of the British civil service, releasing information which might harm this, would clearly not be in the public interest.



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Balance of the public interest

We consider that the public interest clearly favours the non-disclosure of information covered by section 35(1)(a) in this instance.