



## Cabinet Office

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Cathy Fox

Email: [request-208565-30e8d82e@whatdotheyknow.com](mailto:request-208565-30e8d82e@whatdotheyknow.com)

06 March 2015

Dear Ms Fox,

### **REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000** **Cabinet Office Case Reference: Fol 318454**

I refer to your request where you asked (my numbering):

1. When a person receives an "honour" what vetting procedure does that person go through?
2. What body carries out the vetting?
3. What are all the circumstances when vetting of any sort is carried out?
4. What other types of vetting are there in other circumstances? Eg becoming an MP, Cabinet Minister, police officer, ACPO officer.
5. With respect to Sir Cyril Smith and Sir Jimmy Savile please release the vetting results on those individuals.

Your request has been dealt with under the Freedom of Information Act 2000 ('the Act'). Following a search of our paper and electronic records, I have established that some of the information you requested is held by the Cabinet Office. Please accept my apologies for the delay in replying.

With regard to your first three questions, information about the checks the government carries out on prospective honours candidates is available at [www.gov.uk/government/publications/honours-system-checks-on-candidates](http://www.gov.uk/government/publications/honours-system-checks-on-candidates). Candidates are also checked against the lists of donations maintained and made public by the Electoral Commission.

In respect of your 4<sup>th</sup> question, I refer you to the Prime Minister's statement of 27 July 2010 on national security vetting ([www.publications.parliament.uk](http://www.publications.parliament.uk)). A copy of *HMG Personnel Security Controls* is available in the House of Commons library.

With regard to your 5<sup>th</sup> question, the Cabinet Office holds information in scope, most of which can be released to you.

A small amount of the information we hold engages section 40(2) of the Act, in combination with section 40(3)(a)(i). This provides that information is exempt from disclosure if it comprises personal data and disclosure would contravene one of the data protection principles in Schedule 1 of the Data Protection Act 1998 (DPA). We consider that disclosure would contravene the first data protection principle, which provides that data must be processed fairly and lawfully and, in particular, shall not be processed unless at least one of the conditions in Schedule 2 to the DPA is met. We do not consider that it would be fair to disclose the personal data of those concerned in this case. We consider that all those involved in these discussions would have had a very reasonable expectation that the discussions and views recorded would have been kept confidential,

or at the very least, their identities would be kept confidential and that any view being released into the public domain would not be attributed. The information was obtained in circumstances where there was an expectation of discretion. As we have already said, the award of honours and dignities is done on a confidential basis, and that would have been clearly understood by those dealing with this matter. It is possible that those involved in the exchange of views would have chosen not to express a view at all had they known there was a possibility of disclosure to the public. Further, we do not believe that any of the Schedule 2 conditions are met. In this case, section 40(2) is an absolute exemption and the Cabinet Office is not therefore obliged to consider whether the public interest favours disclosing the information.

In addition, in reliance on the provisions at sections 23 and 24 of the Act, which relate to bodies dealing with security matters and national security respectively, under sections 23(5) and 24(2), I can neither confirm nor deny whether the Cabinet Office holds any information engaging the exemptions at section 23 or 24. The exemption from the duty to confirm or deny whether information is held under section 23(5) is an absolute exemption. In this case it is necessary to rely on section 24(2), because the exemption from the duty to confirm or deny whether any information is held is required for the purpose of safeguarding national security. The exemption under section 24(2) is qualified, and the Cabinet Office has considered whether the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether or not the Department holds any information. The Cabinet Office recognises that there is a general public interest in openness in Government because such transparency increases public trust in and engagement with the government. These public interests have to be weighed against a very strong public interest in safeguarding national security. This interest could only be overridden in exceptional circumstances. I have determined that in all circumstances of the case, the public interest in maintaining the exclusion outweighs the public interest in confirming or denying that information is held.

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  
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e-mail: [foi.team@cabinet-office.gsi.gov.uk](mailto:foi.team@cabinet-office.gsi.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 'S. M. H.', written in a cursive style.

**FoI Team**