Dear Mr Schlosberg,

REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000
Cabinet Office Internal Review Reference: IR 319677
(Original Case Reference: Foi 319677)

Thank you for your email of 7 August 2014. You asked for an internal review of our response to your request for information of 28 July 2014. In your request you asked for information held in relation to five meetings between Sir Jeremy Heywood and Journalists.

I have carefully reviewed the handling of your request and I consider that the exemptions at section 23(1) and 35(1)(a) and (b) of the Freedom of Information Act were properly applied to the information held relating to the Cabinet Secretary’s meetings with The Guardian. I believe that the balance of the public interest was fully considered for the reasons set out in our letter of 28 June 2014.

However, I have concluded that the exemptions at 35(1)(a) and (b) were incorrectly applied to other information held in scope of your request. While those exemptions do not apply, I have concluded that the information in question should be withheld under the exemptions at Section 36(2)(b)(i), 36(2)(b)(ii) and 36(2)(c).

I have therefore sought the opinion of the Minister for the Cabinet Office, as a qualified person, on whether section 36 is engaged in relation to your request. The Minister has considered the information that you have requested and holds the opinion that section 36 is engaged. In particular, he considers that the disclosure of information provided would fall within the exemptions in: Section 36(2)(b)(i) and (ii) on the basis that it would likely to, inhibit the free and frank provision of advice, or, the free and frank exchange of views for the purposes of deliberation; and Section 36(2)(c) on the basis that disclosure would prejudice the effective conduct of public affairs.

In the light of the MCO’s opinion, we have considered whether, in all the circumstances of this particular case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. There is also a public interest in understanding the activities of senior officials. Against these public interests, I have identified a stronger public interest in maintaining the safe space in which officials can provide and receive advice and briefing. Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information.
If you are unhappy with the handling of your request for information you, have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

[Signature]

Roger Smethurst
Deputy Director and Head of Knowledge and Information Management Unit