



Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
Cabinet Office 70 Whitehall London SW1A 2AS

William Wragg MP
Chair, Public Administration and
Constitutional Affairs Committee
House of Commons
SW1A 0AA

Our reference: MC2021/02738

9 March 2021

Dear William,

Thank you for your letter of 9 February regarding the open letter you have received from openDemocracy.

As you mention, we touched on this issue when I was before your Committee at the end of last year. OpenDemocracy's characterisation of our approach is a ridiculous and tendentious exercise. The government takes its obligations under the Freedom of Information Act and Data Protection Act seriously, and routinely discloses information beyond the requirements under the Freedom of Information Act.

The Clearing House function is not new. It is a simple three person team designed to co-ordinate timely and effective responses to FOI. It was established in 2004 and has operated in different forms since the Freedom of Information Act came into force in January 2005. In April 2005, the then Parliamentary Under Secretary for Constitutional Affairs, David Lammy MP, referred to the function, explaining that the Department for Constitutional Affairs 'has provided support to Freedom of Information (FOI) practitioners in government departments'. Since then the 'Clearing House' has been referenced in various parliamentary reports, statements and questions, as well academic works. Its purpose and remit have not changed.

In 2015, Freedom of Information (FOI) Policy moved from the Ministry of Justice to the Cabinet Office to sit under the FOI and Transparency team and wider Cabinet Secretary Group. This was a standard machinery of government change. These coordination functions remain in place and are carried out by a small number of staff members. They extend to ministerial and non-ministerial departments; non-departmental public bodies are not normally covered, although it may be that requests to those bodies are referred to the Cabinet Office through sponsor departments.

The Clearing House function helps ensure there is a consistent approach across government to requests for information which are made to a number of different government departments (so-called round robins). The Clearing House also looks at requests for particularly sensitive information relating to national security or personal data. This is particularly important for

complex FOI requests, where we are obliged to balance the need to make information available with our legal duties under the FOI Act to protect sensitive information, that we make best use of expertise in respect of the operation of the Act, and associated case law.

The Cabinet Office circulates to departments a list of those requests made to more than one department that have repeat characteristics (sometimes referred to as ‘the round robin list’). This list does use the name of the requestor to help identify the request; each department will have their own reference numbers, so the name is used to practically help with the multiple requests being grouped into a table. The identity of the requestor is not a material consideration and the occupation of the requestor is not included in the list.

The Cabinet Office provides advice, and does not direct departments on how to respond to individual FOI cases, nor does it direct departments to block FOI requests. All FOI requests are treated exactly the same, regardless of who the request is from, and their occupation. It would be unlawful for the Cabinet Office, or any other public authority, to blacklist enquiries from journalists. It is a pernicious myth that we take such an approach. It is appropriate for departments to prepare for possible media interest in information released under FOI, but this consideration does not form part of the decision on whether or not to release information.

The government remains fully committed to transparency. We release more proactive publications than ever before. For instance we publish details on spending over £25,000 by departments, Key Performance Indicators (KPIs) for the Government’s most important contracts, as well as details of Ministerial meetings and salaries of senior officials. We have also been transparent about our approach to COVID-19, including the regular publication of Scientific Advisory Group for Emergencies (SAGE) minutes and the scientific advice underpinning the decisions taken by Government, and ensuring that the relevant findings are shared at regular government press conferences.

In your letter, you also asked for statistics in responding to requests that fall within the Cabinet Office’s remit and to requests that are cleared for other departments. Statistics on Freedom of Information performance across central Government, including Cabinet Office, are published on a quarterly basis, on GOV.UK¹. In the three month period between July and September 2020, departments received around 8,000 freedom of information requests and responded to almost 90% of them within 20 working days or with a permitted extension. This reflects the Government’s commitment to fulfill its Freedom of Information obligations despite the pressures of responding to COVID-19.

The Cabinet Office does not keep a log of all the requests referred for advice by other departments. The FOI and Transparency Data Team does, however, allocate a reference number to those requests made to more than one department and that have repeat characteristics (sometimes referred to as ‘round robins’). You will see from the table below that, of all requests made to central government departments, those identified as ‘round robins’ and on which the Cabinet Office provides cross-Government advice, is under 2%, underlining the fact that the focus here is on the most complex or potentially sensitive matters.

¹ <https://www.gov.uk/government/collections/government-foi-statistics>

Calendar Year	Total No. of Requests to Government Departments ²	Total No. of requests referred to Clearing House
2018	34,452	531 (1.54%)
2019	33,954	582 (1.71%)
2020 (Jan-Sept) ³	22,868	452 (1.98%)

Finally I would like to assure the Committees that we take our obligations under the Act, the General Data Protection Regulation, and the Data Protection Act 2018 seriously and our processes for handling requests made under the FOI Act, comply with relevant obligations concerning personal data. We do not accept that our approach undermines the FOI Act or the statutory rights of journalists to inquire into the action of government.

I am copying this letter to the Chair of the Digital, Culture, Media and Sport Committee.

I hope this information is helpful.

With every good wish,



**Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster**

² Ibid

³ The figures for Q4 (Oct-Dec) 2020 are not yet available



PACAC (Public Administration and Constitutional Affairs Committee)

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Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office
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London, SW1A 2AS

9th February 2021

Dear Michael,

Open Democracy Open Letter

I have received a letter co-ordinated by Open Democracy and signed by the editors of many newspapers amongst others. The letter repeats some of the concerns that were raised when you appeared before the Committee in December last year. There is concern that the Cabinet Office FOI Clearing House is not only delaying responses to FOI requests but is also treating requests from journalists and researchers differently to other requests.

When you appeared in front of the Committee, you said that you would be happy to address any specific concerns if they were brought to your attention. I would be grateful if you could look at the points raised in this open letter (attached) and update the Committee on the workings of the Cabinet Office Clearing House, including its statistics in responding to requests that fall within the Cabinet Office's remit and to requests that are "cleared" for other departments.

I am copying this letter to the Chair of the Digital, Culture, Media and Sport Committee. I would be grateful to receive your response by 22nd February.

Yours ever

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee



8 February 2021

To:

The Right Honourable William Wragg MP, Chair, Public Administration and Constitutional Affairs Committee

The Right Honourable Julian Knight MP, Chair, Digital, Culture, Media and Sport Committee

cc:

The Right Honourable Michael Gove, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office

The Right Honourable Chloe Smith, Minister for the Cabinet Office

Dunja Mijatovic, Council of Europe Human Rights Commissioner

Irene Khan, UN Special Rapporteur on the promotion and protection of freedom of opinion and expression

Elizabeth Denham, UK Information Commissioner

Lord Ahmad of Wimbledon, UK Foreign Office

Kanbar Hossein Bor, UK Foreign Office

We are writing to you to raise serious concerns about the difficulties that journalists, researchers and members of the public currently experience when trying to use FOI legislation, across government.

As you know, the Freedom of Information Act 2000 sets standards for openness and transparency from government, and is a critical tool for ensuring that journalists and members of the public can scrutinise the workings of government.

openDemocracy Limited – registered in the UK – company no 3855274
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and has failed to deliver on its own pledges to increase the proactive publication of contracting data.

Given the recent National Audit Office report's criticism about the lack of transparency in government COVID contracting, it is high time that this recommendation was followed through – and that further measures as outlined above are taken to protect and strengthen the public's right to access information.

Yours,

Mary Fitzgerald, Editor in Chief, openDemocracy

Katharine Viner, Editor in Chief, The Guardian

Paul Webster, Editor, The Observer

John Witherow, Editor, The Times

Emma Tucker, Editor, The Sunday Times

Chris Evans, Editor, The Daily Telegraph

Roula Khalaf, Editor, The Financial Times

Alison Phillips, Editor, Daily Mirror

Paul Dacre, Editor-in-Chief, Associated Newspapers, former Editor, Daily Mail

Alan Rusbridger, former Editor in Chief, The Guardian

Lionel Barber, former Editor, Financial Times

Veronica Wadley, Chair of Arts Council London; former Editor, Evening Standard

Ian Hislop, Editor, Private Eye

David Davis MP

Alex Graham, Chair of the Scott Trust

Sayra Tekin, Legal, Policy and Regulatory Affairs Director, News Media Association

Ian Murray, Executive Director, Society of Editors

Sir Alan Moses, former Chair, IPSO

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Nick Cohen, journalist and author
David Aaronovitch, journalist and author
Michael Crick, journalist and author
Ian Cobain, investigative journalist
Tom Bower, investigative journalist
Carole Cadwalladr, journalist
Aditya Chakraborty, Senior Economics Commentator, The Guardian
Jason Beattie, Assistant Editor, the Daily Mirror
Rowland Manthorpe, Technology Correspondent, Sky News
Cynthia O'Murchu, Investigative Reporter, Financial Times
Tom Warren, Investigative Reporter, BuzzFeed News
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