

PACAC (Public Administration and Constitutional Affairs Committee)

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Rt Hon Steven Barclay MP
Chancellor of the Duchy of Lancaster
Cabinet Office
70 Whitehall
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25th January 2022

Dear Steve,

Oral Evidence Follow Up On The Cabinet Office Freedom of Information Clearing House

Thank you for recent appearance before the Committee. During the session you supplied evidence relating to our Cabinet Office Freedom of Information Clearing House inquiry. You also committed to supplying further details about the Cabinet Office internal review into the Clearing House such as a timeline for the investigation, including when you expect to have a chair in place, their timetable for reporting and their terms of reference. I would be grateful if you could supply this by 3 February 2022. In the meantime, I have some additional points I would be grateful to clarify following your recent evidence.

I would be grateful for some further details on how decisions are made on Freedom of Information (FOI) cases handled by the Cabinet Office. During the session you noted that you make decisions, though infrequently, on FOI cases. I would be grateful if you could set out the circumstances under which a Minister, their SpAds, or SpAds at No 10 are involved.

Turning to the Clearing House Function itself, you indicated in your oral evidence that it dealt with approximately 500 cases a year. In his letter of 9 March 2021, the then Chancellor of the Duchy of Lancaster was at the time only able to provide data on ‘round robins’ stating that “The Cabinet Office does not keep a log of all requests referred for advice by other departments”.¹ Could you clarify whether the figure you quoted to the Committee only relates to the ‘so-called’ ‘Round Robins’ or whether this is all cases looked at by the Clearing House Function.

During the evidence session, the Committee asked about the Cabinet Office’s decision to refuse an independent audit of the Clearing House by the Information Commissioner. Evidence submitted to the Committee by the Information Commissioner’s Office (ICO)

¹ <https://committees.parliament.uk/publications/5093/documents/50425/default/>

stated that on 14 September the Cabinet Office declined the Information Commissioner's invitation to undergo a voluntary audit.² I would be grateful if you could explain to the Committee in detail the rationale for refusing the ICO Freedom of Information audit.

Finally, I would be grateful if you could furnish the Committee with a more detailed answer of the accountability mechanisms used by the Cabinet Office to monitor the allocation and use of the ICO's FOI budget. In written evidence from the ICO we have been informed the Cabinet Office budget is used to finance the ICO's FOI work.³ When we asked about this in the oral evidence session the response was to speak to HMT and DCMS. However, as the ICO stated, whilst the grant in aid it received to fund access to information work comes through DCMS as its sponsor department, it originates from the Cabinet Office's budget, as the department responsible for FOI policy. Therefore, can you please explain (a) how this mechanism functions and (b) what structures the Cabinet Office uses to review whether these resources are sufficient and whether this spending secures value for money.

I look forward to receiving your response to the above points on this subject matter by 3 February 2022. I am placing a copy of this letter and your response in the public domain.

Yours ever,
Will.

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee

² <https://committees.parliament.uk/writtenevidence/39895/pdf/>

³ <https://committees.parliament.uk/publications/8233/documents/84194/default/>