

## **Review of Cabinet Office FOI Clearing House Terms of Reference**

### **Background**

The Cabinet Office plays a vital role in ensuring compliance with the Freedom of Information Act across Government, providing assistance on complex FOI requests while also making sure sensitive information, including that related to national security, is handled appropriately.

A Clearing House function was established in 2004 and has operated in different forms since the Freedom of Information Act came into force in January 2005. In 2015 Freedom of Information (FOI) Policy moved from the Ministry of Justice to the Cabinet Office.

These coordination functions remain in place and are carried out by a small number of staff members, who have a range of wider responsibilities. 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.

Areas which can lead to a referral may include where the information sought relates to national security matters, the Royal Household (where specific exemptions apply within legislation), significant live policy development and/or implementation issues and 'round robins' (i.e. those requests made to more than one department that have repeat characteristics and where it is important to ensure requesters receive a consistent and coherent approach to requests). The criteria for referral are set out in [Cabinet Office FOI Referral Criteria](#).

### **Purpose**

The Review will seek to ascertain the optimum working model for the FOI Clearing House to support the effective operation of the Freedom of Information Act across government, and particularly in the light of a continuing increase in the volume of cases being received by Departments.

### **Scope**

The Review will assess the operation of the Clearing House, note the practices under successive administrations, and provide any recommendations for improvement and further guidance, including any revisions which may seem desirable to make to the Section 45 Code of Practice. The Review will assess evidence of current practice, providing additional clarity if required.

The Review will not extend to the handling of FOI requests made specifically to Cabinet Office (i.e. Cabinet Office FOI casework) nor to FOI policy activity outside the context of Clearing House.

### **Objectives**

The Review will seek to answer the following questions:

- Is the role of the Clearing House proportionate and effective, considering in particular the Referral Criteria, and the Round Robin Process?
- Is the Clearing House operating in line with relevant legislation, including UK GDPR and DPA, and reflective of the Section 45 Code of Practice and ICO regulatory guidance?
- Is there sufficient information available to the public about the operation of the Clearing House function? If not, what further information should be published?
- How is the Applicant Blind principle understood and adhered to across Government including within the Cabinet Office?
- Are there other areas of FOI practice across Government with scope for improvement? This should be limited to practice within the scope/line of sight of the Clearing House.

### **Methodology**

The review will be conducted through assessing relevant documentation including operating policies, procedures, working practices and case studies, telephone interviews, and interviewing key stakeholders. The Reviewer will have access to the information required to conduct the review and to those involved in the operation of the Clearing House function, including officials in departments within the Clearing House remit.

It is expected that the Review will be completed by the summer recess.

### **Reporting**

The Reviewer will produce an internal assessment to Cabinet Office Ministers setting out his/her findings and recommendations. The Cabinet Office will publish a summary of the assessment's findings as soon as possible after the Reviewer has delivered the assessment.

### **Governance**

The Reviewer will be supported by a secretariat to help him/her identify and analyse relevant documentation, conduct interviews, and provide the necessary contacts, diary management etc. The Reviewer will keep the Director General of Propriety and Ethics informed of progress.