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Thank you for your letter of 15 December 2020 about the handling of freedom of information requests from journalists.

OpenDemocracy's characterisation of the Government's 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 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, 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.

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). It also looks at requests for particularly sensitive information, including 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, and to 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.

We take our obligations under the Act, the UK General Data Protection Regulation and the Data Protection Act 2018 seriously and our processes for handling requests made under the Act, comply with relevant obligations concerning personal data.

Below are the responses to the specific questions you raised:

1. *How long has the so-called "Clearing House" been in operation?*

The Clearing House was established in 2004 and has operated in different forms since the Freedom of Information Act came into force in January 2005. Its creation is a matter of public record, see for example the Department for Constitutional Affairs' written evidence to Parliament in 2006. Freedom of information policy transferred from the Ministry of Justice to the Cabinet Office in 2015. Since then there has been no stand-alone unit, with the coordination functions of Clearing House being carried out by a small number of officials who have a range of wider responsibilities.

2. *Please can you provide a copy of the advice that Clearing House gives to departments on how to reply with individual requests*

Cabinet Office provides advice to departments on a range of complex and sensitive freedom of information requests. The content of such advice is specific to the nature of the referral but will generally contain a steer on the approach that may be taken, reflecting precedent and best practice, and an exploration of the exemptions that may apply. When providing advice reference may be made to the guidance contained in the Freedom of Information Code of Practice which is published by the Cabinet Office and is available on [gov.uk](http://gov.uk). Cabinet Office advises departments on how to comply appropriately

with the request. The advice given is often that departments should answer factually where information is held.

The Cabinet Office also circulates to departments a list of those requests made to more than one department that have repeat characteristics (known as 'round robins'), which contain advice on the approach to be taken. There is a public benefit in ensuring that there is a consistent approach in replying to multiple requests; it makes sure that exemptions are applied in a consistent and legal way, and avoids situations where different departments might give contradictory replies. It would cause public confusion if a freedom of information request to two different departments asking for the same information which was held by both departments resulted in one department agreeing to disclosure, and one department decided not to disclose. Whilst every freedom of information request is treated individually, there are merits in a consistent approach in the consideration of public interest arguments, and including based on the Clearing House's broader understanding of ICO or Tribunal judgements.

3. *Please can you provide, in so far as it relates to any Guardian journalists, copies of the "list of journalists with details about their work"*

We do not hold this information. There is no such list.

4. *Please give details of which government departments and non-departmental public bodies have been referring FOIA requests from Guardian journalists and/or researchers to the Clearing House*

Both ministerial and non-ministerial departments may seek advice from Cabinet Office on freedom of information requests; the remit does not extend to non-departmental public bodies, although it may be that requests to those bodies are referred through sponsor departments. Referrals to the Clearing House inbox are made on the basis of the subject matter of the request, not on the basis of who made the request. Topics which trigger a referral may include where the information sought relates to national security matters, the Royal Household, live policy development and/or implementation issues and 'round robins' (i.e. those requests made to more than one department that have repeat characteristics). All requests are considered applicant-blind and the occupation of the requestor is not used as an identifier.

5. *On a year by year basis, with names, please set out how many FOIA requests by Guardian journalists have been referred to or through the "Clearing House"?*

We are treating this question as a freedom of information request and my officials will respond in due course.

6. *What is the current status of the Clearing House?*

Please refer to the answer to question 1.

May I assure you that I recognise the importance of a fair and consistent approach to freedom of information requests and the role the legislation plays in upholding our democracy.

In the interests of transparency, I am placing this letter in the public domain.

**With every good wish,**

A handwritten signature in blue ink, reading "Yours, Mich", with a long horizontal flourish extending to the right.

**Rt Hon Michael Gove MP  
Chancellor of the Duchy of Lancaster  
and Minister for the Cabinet Office**