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18/1 March 2021

Thank you for your letter dated 7 December 2020 expressing the concerns of your members about the handling of freedom of information requests.

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.

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 that reads "Yus, Michael". The signature is written in a cursive style with a flourish at the end.

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