

Information relating to ministerial conflicts of interest

For the period 01 January 2005 to 29 November 2005, how many times Ministers in the Home Office have consulted their Permanent Secretary; which Ministers, what dates and for what reasons Ministers consulted their Permanent Secretary; what action was taken and when Ministers went on to consult the Prime Minister about conflicts of interest.

To the extent that the department is required by the FOI Act to provide disclosure in relation to the relevant period, the recorded information that it holds is set out in the attached table. In addition, there may have been informal consultations, for example, in the margins of meetings, which will not have been recorded: any information so disclosed would fall outside the scope of the FOI Act.

In addition, some of the information that you have requested is exempt from disclosure by virtue of section 41 of the FOI Act, because it was provided to the department in confidence. Under section 41, information is exempt if (a) it was obtained by a public authority from any other person and (b) the disclosure of the information to the public by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Section 41 applies to some of the information provided to this department in respect of the interests of Ministers. There is a strong public interest in protecting the confidentiality of such communications. First, the information is inherently private. It may include information relating to Ministers' mortgages and bank account details, for example, which is not in the public domain. Secondly, it is disclosed as a result of the obligations imposed by the Ministerial Code. Thirdly, that Code expressly states that the information is provided in confidence.

We recognise that a duty of confidence can be overridden by a higher public interest, and we accept that there is a public interest in ensuring that there is an appropriate regime for eliminating any risk of a conflict arising between a Minister's private interests and his or her official duties. However, in the circumstances of this case, that public interest does not demand any greater disclosure than that set out in the attached table.

Home Office

| MINISTER | How many times the Minister consulted their Permanent Secretary between the period 01 January 2005 to 29 November 2005 | On what dates Minister consulted the Permanent Secretary | For what reason Minister consulted the Permanent Secretary in each case | Details of declaration | What action was taken in each case and in which was it necessary to consult the Prime Minister |
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| Home Secretary | 1 | February 2005 | Submission of a list of interests under the Ministerial Code | Information is being withheld under Section 41 of the Freedom of Information Act (Information provided in confidence) | Noted PM not consulted |
| Tony McNulty | 1 | May 2005 | Submission of a list of interests under the Ministerial Code | <ul style="list-style-type: none"> • Partner is Chief Executive of London Borough of Tower Hamlets | Noted PM not consulted |
| Andy Burnham | 1 | May 2005 | Submission of a list of interests under the Ministerial Code | <ul style="list-style-type: none"> • Honorary Chairman of Leigh Centurians rugby league club – not remunerated <p>Other information is being withheld under Section 41 of the Freedom of Information Act (Information provided in confidence)</p> | Noted PM not consulted |