



Information Commissioner's Office
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Tribunal upholds ICO decision on Cabinet minutes

Richard Thomas, Information Commissioner, said:

"I welcome the careful consideration that the Information Tribunal has given to this important issue. I am pleased that the Tribunal has upheld my decision that the public interest in withholding the information did not outweigh public interest in disclosing the Cabinet minutes in this particular case. Disclosing the minutes will allow the public to more fully understand this particular decision. I am also pleased that the Tribunal reached the same conclusion as I did in relation to the publication of the handwritten notes of the meetings."

Ends

Background information

In February 2008 the Information Commissioner, Richard Thomas, ordered the Cabinet Office to release the minutes of Cabinet meetings where military action against Iraq was discussed.

The Cabinet Office appealed the decision to the Information Tribunal. The requester also appealed on the ground that the handwritten notes should also be published.

The Information Commissioner's decision followed a request under the Freedom of Information Act for a copy of Cabinet minutes and records relating to two meetings held between 7 – 17 March 2003 where the Attorney General's legal advice was considered.

Richard Thomas found that there were several public interest factors to favour the disclosure of this information:

- The gravity and controversial nature of the subject matter
- Accountability of government decisions
- Transparency of decision making
- Public participation in government decisions

This ruling is an exceptional case. Paragraph 80 of the Tribunal judgement records that the two Cabinet meetings took place in quite exceptional circumstances. Paragraph 81 sets out clearly 'the very unusual nature of those factors, particularly when viewed in combination, also have the effect of reducing any risk that this decision will set a precedent...'

The Information Commissioner agrees that the disclosure of these minutes will not necessarily set a precedent in respect of other Cabinet minutes. All FOI complaints are reviewed on a case by case basis.

The Tribunal also agreed that some limited redactions should be made to the formal minutes where there could be prejudice to international relations. These have been agreed by the ICO.

For a copy of the original decision notice please go to http://www.ico.gov.uk/upload/documents/decisionnotices/2008/fs_50165372.pdf

If you need more information, please contact the ICO press office on 020 7025 7580 or visit the website at: www.ico.gov.uk