

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date 29 July 2008

**Public Authority:** Cabinet Office  
**Address:** 70 Whitehall  
London  
SW1A 2AS

### Summary

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On 11 May 2005 the complainant wrote to the Cabinet Office to request disclosure of the minutes and agendas of all meetings between the then Prime Minister and his former strategy adviser Lord Birt dating from 1 January 2005 and a schedule of any such documents held. The Cabinet Office refused to disclose this information and upheld its decision upon internal review placing reliance upon the exemptions under sections 35 and 36 of the Freedom of Information Act 2000 (Formulation of Government Policy and Prejudice to Effective Conduct of Public Affairs). Upon considering a complaint dated 9 September 2005 the Commissioner upheld the decision of the Cabinet Office on the basis of the exemptions cited under sections 35 and 36 of the Act.

### The Commissioner's Role

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1. The Commissioner's role is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. By e-mail sent to the Cabinet Office on 11 May 2005 the complainant made a request for disclosure of information as follows:

*"My request relates to Lord (John) Birt, the Prime Minister's strategy adviser.*

*Under the Act, I would like to request complete copies of the minutes and agendas of any and all meetings between the Prime Minister and Lord Birt since 1 January 2005. I would also like to request complete copies of all and*

*any documents (such as briefing material, letters, memos, emails, memorandums of conversations) which were prepared for or connected with these meetings, either before or after the event.*

*I would also like to ask the Cabinet Office/Downing Street, on answering the above request, to comply with a further request under the Freedom of Information Act. This request is to provide a schedule of documents which may be refused. I believe that there should be a brief description of each relevant document including the nature of the document, the date of the document, and whether the document is being released or not."*

3. In this Decision Notice the "requested information" means the information requested in the first substantive paragraph above. The "requested schedule" means the information requested in the second substantive paragraph above.
4. On 9 June 2005, the Cabinet Office wrote to the complainant, in which it confirmed that it holds information relevant to his request. However, it stated that it was extending the time for response in order to determine the public interest under the section 35 and section 36 exemptions under that Act which were being considered in relation to the request.
5. By letter dated 14 June 2005, the Cabinet Office refused to release the requested information, relying on the exemption under section 35(1)(a) of the Act (formulation of government policy) and to the extent that section 35 does not apply, the exemption under section 36(2)(b) of the Act (prejudice to the effective conduct of public affairs). The Cabinet Office stated that the public interest in withholding the information outweighs the public interest in disclosure and provided the following reasons for this decision:

For disclosure

- Understanding the way in which Government works and how Ministers interact with their advisers.

Against disclosure

- It is important the Prime Minister and his advisers have the free space that enables them to conduct rigorous and candid risk assessments of the Government's policies and programmes, including consideration of advantages and disadvantages...such discussions make for better decision-making...Release of the information requested would inhibit this free space and would therefore be detrimental to the policy formulation process.
- It is in the public interest that information relating to the preparations or follow-up to these meetings can be recorded without concern that these records would be immediately disclosable. To release this information would undermine the basis of confidence underpinning these discussions and would therefore be prejudicial to the effective conduct of public affairs. It would impede good and effective administration.

6. In relation to the requested schedule, the Cabinet Office stated that this is not held.
7. On 15 July 2005, the complainant contacted the Cabinet Office to request an internal review of its decision. He asked it to consider the following points in the review:
  - The Government has published relatively little information on the activities of Lord Birt, the Prime Minister's strategy adviser.
  - It appears that Lord Birt is playing a significant role within the Government...I therefore believe that the public interest is better served by greater transparency in this instance.
  - The Cabinet Office has not provided the requested schedule of documents...the Act entitles the public to ask for information, not just documents...(the creation of a schedule in response to a request) represents good practice within the realm of Freedom of Information as it clarifies how many documents are being withheld and the nature of these documents.
8. The Cabinet Office communicated the outcome of its internal review to the complainant by a letter dated 7 September 2005, in which it upheld the original decision. It informed the complaint of the following additional arguments to support its position:
  - It is important that discussion about the agendas for such meetings is not inhibited by fear of disclosure of information relating to such discussions. If such discussions are not properly prepared due to concern about release of exchanges about such meetings, there would be a risk that the Prime Minister's time was not used as efficiently and effectively as possible, which would be contrary to the public interest.
  - These meetings are conducted in confidence and correspondingly any information produced in advance of or subsequent to these meetings is provided on a confidential basis. To undermine the basis of confidence on which these meetings are conducted would be prejudicial to the effective conduct of public affairs.
  - The Government has released a significant amount of information relating to the activities of Lord Birt and the reports that he has overseen...media speculation about his advice is not justification for breaching the confidential basis on which his advice is provided to the Prime Minister.
  - The Cabinet Office does not hold the requested schedule...the Act does not oblige (a public authority to) create or collect new information, such as a summary or description of individual documents, in response to requests.

## **The Investigation**

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### **Scope of the Case**

9. On 9 September 2005 the complainant contacted the Commissioner to complain about the way his request for information had been handled. He asked the Commissioner to investigate whether the decision to refuse disclosure of the requested information was correct.

## Chronology

10. On 20 June 2006, the Commissioner informed the Cabinet Office that in order to reach an informed decision on the complaint, he required sight of the information withheld from the complainant.
11. On 24 July 2006 the Commissioner visited the Cabinet Office to inspect the information withheld from the complainant at its premises.
12. On 22 August 2006, the Treasury Solicitors (TSol), acting on behalf of the Cabinet Office, wrote to the Commissioner to set out its specific public interest arguments against the disclosure of the requested information. These largely repeated the arguments provided to the complainant. However, the TSol confirmed that:

*"It is well known that for the periods mentioned in the request Lord Birt was the Prime Minister's Strategy Adviser. During that time he advised the Prime Minister on a range of high level, confidential and strategic matters. Such advice was given in writing and in meetings...the advice in question was provided at the very highest levels of Government."*

13. On 20 September 2006, TSol provided further clarification on the Cabinet Office's handling of the request, which was as follows:
  - On his visit of 24 July 2006, the Commissioner viewed all the information held which falls within the scope of the complainant's request.
  - In relying on section 36 of the Act, the views of the Minister for the Cabinet Office (Jim Murphy) were sought...he was of the opinion that to the extent that the information did not fall within section 35, its disclosure would or would be likely to inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation and that section 36 should be claimed...the Minister gave his opinion on 6 June 2005.

## Findings of fact

14. It is well-known that, for some six years starting with an initial project in 2000 and until December 2005, Lord Birt had served as the then Prime Minister's personally chosen Strategy Adviser. He was unpaid. Lord Birt estimated for the Public Administration Select Committee in April 2006 that he had seen the Prime Minister "probably....once a fortnight".

15. Various statements about Lord Birt's activities have been made, both by way of Parliamentary Answers and otherwise. In June 2005, the Cabinet Office website recorded that:

*Lord Birt, the Prime Minister's Strategy Adviser, provides confidential advice to the Prime Minister and other Cabinet Ministers on a range of issues. His work has included reports on London, Drugs, Health, Education, Transport and Crime. The project teams for these reports included departmental officials and external advisers. All but the Crime report was produced in conjunction with the Prime Minister's Strategy Unit. Each report was produced in two phases. Phase One set out the evidence and analysis of the issues. Phase Two set out policy advice and recommendations. We are publishing the evidence and analytical phases of each of the reports (in the case of the London report, the analytical and final reports have already been published). These reports were intended to provoke discussion and contribute to debate across Government. They are not statements of Government policy.*

16. There has been debate and some controversy about Lord Birt's role, contribution and influence. This mirrored commentary on the relationships between previous Prime Ministers and their close advisers. In this case, apart from the substance of his advice, discussion focused on the circumstances of Lord Birt's appointment, his background as former Director General of the BBC, his association with a firm of consultants, his status as neither civil servant, nor conventional special adviser and his subsequent activities in the private sector.
17. There have been Questions and Answers in Parliament about Lord Birt's role and contribution. The Public Administration Select Committee published a special Report in November 2005 expressing dissatisfaction at the non-attendance of Lord Birt as a witness before the Committee -

<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmpubadm/690/690.pdf#search=%22birt%20strategy%20prime%22>.

However, in April 2006, after he had stood down, Lord Birt did give oral evidence to the Committee and answered a range of questions exploring his role and the nature of the strategic contribution -

<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmpubadm/c756-iii/c75602.htm>

18. The Commissioner made the following observations about the information withheld from the complainant:
- i. There were relatively few documents;
  - ii. The information largely relates to advice from Lord Birt to the Prime Minister on a range of sensitive current and prospective issues. These included developing policies and matters relating to the internal processes and organisation of government;
  - iii. The material includes correspondence, e-mails, memoranda, briefing documents and minutes. Some are addressed to the Prime Minister, others to his senior advisers and officials;

- iv. Some of the material relates to preparation for meetings with the Prime Minister and follow up to such meetings; and
- v. The style is generally of an informal nature, and much of the substance could be described as “blue sky thinking”.

## Analysis

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### Exemptions

#### **Section 35(1)(a) – Formulation or development of government policy**

#### **Section 36(2)(b) – Free and frank provision of advice or free and frank exchange of views for the purposes of deliberation**

19. The full provisions of sections 35 and 36 of the Act can be found in the legal annex.
20. The Commissioner is satisfied from his inspection that – although not in itself government policy – the subject-matter of some of the requested information related to the formulation or development of government policy. Such material therefore falls within the exemption set out in section 35(1)(a) of the Act.
21. In relation to the opinion of the qualified person under section 36, the Commissioner took into consideration TSol’s letter of 20 September 2006. It informed him that the then Minister for the Cabinet Office (Jim Murphy MP) had on 6 June 2005 expressed the opinion that, to the extent the information about meetings between Lord Birt and the Prime Minister did not fall within section 35, its disclosure would, or would be likely to, inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation.
22. The Commissioner wishes to highlight the Information Tribunal decision of 8 January 2007 (*Guardian Newspapers Limited and Heather Brooke v Information Commissioner and British Broadcasting Corporation*), in which the Tribunal states that “if the opinion is reasonable, the Commissioner should not under section 36 substitute his own view for that of the qualified person. Nor should the Tribunal.” In addition, in the Tribunal decision of 11 February 2008 (*Ian Edward McIntyre v Information Commissioner and The Ministry of Defence*), it stated that where the opinion is “overridingly reasonable in substance” any flaws in how the opinion was arrived does not invalidate the opinion.
23. Taking these decisions of the Tribunal into consideration, and informed by his own inspection of the withheld information in this case, the Commissioner concluded that he has no grounds for questioning the reasonableness of the Minister’s opinion. The Commissioner also believes that the opinion was overridingly reasonable in substance and, as such, he did not consider

whether there were any flaws in the process followed by the qualified person in arriving at his decision. The Commissioner is therefore satisfied that the remainder of the requested information falls within the exemption set out in section 36(2)(b) of the Act.

24. The Commissioner does not consider that the requested information could be split into smaller components or redacted in any meaningful way to avoid the application of any of the exemptions.

### **Public Interest test**

25. Both sets of exemptions which, between them apply to the totality of the requested information in this case, are subject to the public interest test which is set out in section 2(2)(b). This states that a public authority may only withhold exempted information where “in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.
26. The Commissioner has reviewed the circumstances of this particular case, and considers that the public interest arguments, as set out below, apply to both exemptions in respect of the requested information as a whole.
27. Various public interest arguments in favour of disclosing the requested information can be identified. Some of these were put (at the Commissioner’s invitation) in an e-mail sent by the complainant on 31 August 2006. They include:
  - In a mature democracy, it is in the public interest that the public should – to the maximum extent possible – be able to understand, debate and challenge the background to governmental decision-making and processes.
  - The role of special advisers generally has been the subject of considerable and on-going debate. Disclosure of the requested information may provide some insight to inform that debate.
  - Disclosure of the requested information may provide some insight into the interactions between the then Prime Minister and his Strategy Adviser and between the Strategy Adviser and the Strategy Unit.
  - There has been particular debate about Lord Birt’s role, contribution and influence. Some information about his activities, and about reports that he has overseen, has been made public. Disclosure of the unpublished requested information may provide further insight as to the nature and extent of Lord Birt’s role and influence at the highest level of government as neither civil servant nor conventional special adviser.
  - Disclosure may inform debate about the extent to which individuals working for the government can, or should be able to, exploit knowledge and contacts on their move to the private sector.

28. The Commissioner accepts that the role of special advisers is a matter in which the public has a legitimate public interest. He also accepts that because of the controversy surrounding Lord Birt's role, disclosure of the information would serve the public interest by creating transparency with regard to the role of special advisers and therefore serve to build public confidence. In addition, it is the case that Lord Birt is recognised as a particularly influential special adviser, which strengthens the public interest in understanding the role he has played in Government.
29. The Commissioner also considers, however, that the relatively small amount of documentation means that the insights mentioned above would in fact be very limited, and may give only a very partial account of Lord Birt's role, contribution and influence. Nor does debate and controversy about the role of a particular individual, by itself, generate a strong public interest for disclosure. Moreover, the specific subject-matters covered by the documents inspected by the Commissioner do not give rise to any strong public interest driven by concerns about accountability or public expenditure.
30. The public interest arguments in maintaining the exemptions in this case are more concerned with principles of Prime Ministerial power, judgment and decision-making. They are powerful and include:
- A Prime Minister needs space in which to seek and receive advice in confidence and must be free to consult anyone he/she chooses to consult on any given matter. It is important that ideas, opinions and options come from those with wide expertise, experience or knowledge.
  - On some issues it is to be expected that only a very small number of senior officials and high level advisers will be involved on the understanding that their deliberations will be kept private. A Prime Minister must be free to discuss issues with such key advisers without fear that every detail may be disclosed. Disclosure of such exchanges would be detrimental to the trust which must exist between a Prime Minister and those involved in such discussions.
  - It would make the processes of strategic decision-making extremely difficult if, on especially sensitive matters, a Prime Minister could not seek or receive written advice in confidence.
  - Disclosure of internal deliberations about policies and issues that remain topical, and are likely to remain topical for some years, could be especially damaging. Neither the fact that Lord Birt has now left this post, nor the passage of time since the requested information was written, materially change this aspect of the public interest in this case.
31. The requested information in this case goes to the heart of the confidential relationship between a Prime Minister and a key adviser. The Commissioner has carefully considered the arguments for and against its disclosure. His

conclusion is that the public interest arguments for maintaining the exemptions are strong and outweigh the public interest in disclosure.

### The requested schedule

32. In respect of section 1(1) of the Act (General right of access to information held by public authorities), the Commissioner has no reason to question the claim that the actual requested schedule did not exist at the time that the request was made. However the documents that would comprise the requested schedule, in terms of their titles and dates, are held and would simply require extracting from the body of other material in order to fulfill the request. As such, this specific information requested by the complainant in respect of the schedule was in fact held, even though it may not have existed in the form of a schedule. The creation of this schedule to fulfill the complainant's request would therefore require the extraction of existing information rather than the creation of any new information.
33. In respect of section 11(1)(c) of the Act (Means by which communication to be made), the Commissioner has concluded that the Cabinet Office would be obliged to fulfill the complainant's request for a brief description each document, its nature and whether the document is being released or not.
34. However, in relation of all the information requested by the complainant regarding the schedule, it is almost certain that the same considerations as are set out above in relation to sections 35 and 36 would determine the engagement of the Act's exemptions and the application of the public interest test to this information. As such, the Commissioner has determined that under sections 35 and 36 of the Act, this schedule need not be provided to the complainant.

### The Decision

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35. The Commissioner's decision is that the Cabinet Office dealt with the following element of the request in accordance with the requirements of the Act:
  - i. The application of section 35(1)(a) and section 36(2)(c) to the documents requested by the complainant.
36. However, the Commissioner has also decided that the following element of the request was not dealt with in accordance with the Act:
  - i. The handling of the request for the 'schedule of documents' which, due to a public authority's obligations under section 1(1) and section 11(1)(c), should have instead been refused under sections 35(1)(a) and 36(2)(c).

37. For the reasons set out above, the Commissioner's decision is that the Cabinet Office is not obliged to disclose the requested information under the Act.

### **Steps Required**

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38. The Commissioner requires no steps to be taken.

## Right of Appeal

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39. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 600 0877  
Fax: 0116 249 4253  
Email: [informationtribunal@dca.gsi.gov.uk](mailto:informationtribunal@dca.gsi.gov.uk)

38. Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 29<sup>th</sup> day of July 2008**

**Signed .....**

**Richard Thomas  
Information Commissioner**

**Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

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### **General Right of Access**

**Section 1(1)** provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

**Section 1(2)** provides that -

“Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.”

**Section 1(3)** provides that –

“Where a public authority –

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.”

**Section 1(4)** provides that –

“The information –

(a) in respect of which the applicant is to be informed under subsection (1)(a), or

(b) which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.”

**Section 1(5)** provides that –

“A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).”

**Section 1(6)** provides that –

“In this Act, the duty of a public authority to comply with subsection (1)(a) is referred to as “the duty to confirm or deny”.”

## **Means by which communication can be made**

**Section 11(1)** provides that –

“Where, on making his request for information, the applicant expresses a preference for communication by one or more of the following means, namely –

- (a) the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,
- (b) the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and
- (c) the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant.

The public shall so far as is reasonably practicable give effect to that preference.”

**Section 11(2)** provides that –

“In determining for the purposes of this section whether it is reasonably practicable to communicate information by a particular means, the public authority may have regard to all the circumstances, including the cost of doing so”

**Section 11(3)** provides that –

“Where a public authority determines that it is not reasonably practicable to comply with any preference expressed by the applicant in making his request, the authority shall notify the applicant of the reasons for its determination

**Section 11(4)** provides that –

“Subject to subsection (1), a public authority may comply with a request by communicating information by any means which are reasonable in the circumstances.”

## **Formulation of Government Policy**

**Section 35(1)** provides that –

“Information held by a government department or by the National Assembly for Wales is exempt information if it relates to-

- (a) the formulation or development of government policy,
- (b) Ministerial communications,
- (c) the provision of advice by any of the Law Officers or any request or the provision of such advice, or
- (d) the operation of any Ministerial private office.

**Section 35(2)** provides that –

“Once a decision as to government policy has been taken, any statistical information used to provide an informed background to the taking of the decision is not to be regarded-

- (a) for the purposes of subsection (1)(a), as relating to the formulation or development of government policy, or
- (b) for the purposes of subsection (1)(b), as relating to Ministerial communications.”

**Section 35(3)** provides that –

“The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).”

**Section 35(4)** provides that –

“In making any determination required by section 2(1)(b) or (2)(b) in relation to information which is exempt information by virtue of subsection (1)(a), regard shall be had to the particular public interest in the disclosure of factual information which has been used, or is intended to be used, to provide an informed background to decision-taking.”

**Section 35(5)** provides that –

“In this section-

"government policy" includes the policy of the Executive Committee of the Northern Ireland Assembly and the policy of the National Assembly for Wales;

"the Law Officers" means the Attorney General, the Solicitor General, the Advocate General for Scotland, the Lord Advocate, the Solicitor General for Scotland and the Attorney General for Northern Ireland;

"Ministerial communications" means any communications-

- (a) between Ministers of the Crown,
- (b) between Northern Ireland Ministers, including Northern Ireland junior Ministers, or
- (c) between Assembly Secretaries, including the Assembly First Secretary, and includes, in particular, proceedings of the Cabinet or of any committee of the Cabinet, proceedings of the Executive Committee of the Northern Ireland Assembly, and proceedings of the executive committee of the National Assembly for Wales;

"Ministerial private office" means any part of a government department which provides personal administrative support to a Minister of the Crown, to a Northern Ireland Minister or a Northern Ireland junior Minister or any part of the administration of the National Assembly for Wales providing personal administrative support to the Assembly First Secretary or an Assembly Secretary;

"Northern Ireland junior Minister" means a member of the Northern Ireland Assembly appointed as a junior Minister under section 19 of the Northern Ireland Act 1998."

**Prejudice to effective conduct of public affairs.**

**Section 36(1)** provides that –

"This section applies to-

- (a) information which is held by a government department or by the National Assembly for Wales and is not exempt information by virtue of section 35, and
- (b) information which is held by any other public authority.

**Section 36(2)** provides that –

"Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act-

- (a) would, or would be likely to, prejudice-
  - (i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or
  - (ii) the work of the Executive Committee of the Northern Ireland Assembly, or
  - (iii) the work of the executive committee of the National Assembly for Wales,
- (b) would, or would be likely to, inhibit-
  - (i) the free and frank provision of advice, or
  - (ii) the free and frank exchange of views for the purposes of deliberation, or
- (c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

**Section 36(3)** provides that –

"The duty to confirm or deny does not arise in relation to information to which this section applies (or would apply if held by the public authority) if, or to the extent that, in the reasonable opinion of a qualified person, compliance with section 1(1)(a) would, or would be likely to, have any of the effects mentioned in subsection (2)."

**Section 36(4)** provides that –

"In relation to statistical information, subsections (2) and (3) shall have effect with the omission of the words "in the reasonable opinion of a qualified person".

**Section 36(5)** provides that –

"In subsections (2) and (3) "qualified person"-

- (a) in relation to information held by a government department in the charge of a Minister of the Crown, means any Minister of the Crown,
- (b) in relation to information held by a Northern Ireland department, means the Northern Ireland Minister in charge of the department,
- (c) in relation to information held by any other government department, means the commissioners or other person in charge of that department,
- (d) in relation to information held by the House of Commons, means the Speaker of that House,
- (e) in relation to information held by the House of Lords, means the Clerk of the Parliaments,
- (f) in relation to information held by the Northern Ireland Assembly, means the Presiding Officer,
- (g) in relation to information held by the National Assembly for Wales, means the Assembly First Secretary,
- (h) in relation to information held by any Welsh public authority other than the Auditor General for Wales, means-
  - (i) the public authority, or
  - (ii) any officer or employee of the authority authorised by the Assembly First Secretary,
- (i) in relation to information held by the National Audit Office, means the Comptroller and Auditor General,
- (j) in relation to information held by the Northern Ireland Audit Office, means the Comptroller and Auditor General for Northern Ireland,
- (k) in relation to information held by the Auditor General for Wales, means the Auditor General for Wales,
- (l) in relation to information held by any Northern Ireland public authority other than the Northern Ireland Audit Office, means-
  - (i) the public authority, or
  - (ii) any officer or employee of the authority authorised by the First Minister and deputy First Minister in Northern Ireland acting jointly,
- (m) in relation to information held by the Greater London Authority, means the Mayor of London,
- (n) in relation to information held by a functional body within the meaning of the Greater London Authority Act 1999, means the chairman of that functional body, and
- (o) in relation to information held by any public authority not falling within any of paragraphs (a) to (n), means-
  - (i) a Minister of the Crown,
  - (ii) the public authority, if authorised for the purposes of this section by a Minister of the Crown, or
  - (iii) any officer or employee of the public authority who is authorised for the purposes of this section by a Minister of the Crown."

**Section 36(6)** provides that –

“Any authorisation for the purposes of this section-

- (a) may relate to a specified person or to persons falling within a specified class,

- (b) may be general or limited to particular classes of case, and
- (c) may be granted subject to conditions.”

**Section 36(7)** provides that –

A certificate signed by the qualified person referred to in subsection (5)(d) or (e) above certifying that in his reasonable opinion-

- (a) disclosure of information held by either House of Parliament, or
- (b) compliance with section 1(1)(a) by either House, would, or would be likely to, have any of the effects mentioned in subsection (2) shall be conclusive evidence of that fact.