Information Commissioner's Office

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 8 September 2008

Public Authority:	The Department for Work and Pensions
Address:	Caxton House Tothill Street London SW1H 9DA

Summary

The complainant made a request for information to the Department for Work and Pensions (the "DWP") for the number of Parliamentary Questions ("PQs") for Written Answer that had been colour coded red under a "traffic light" system for colour coding PQs. The complainant asked for the information to be broken down in respect of one specific MP and collectively for other MPs. The DWP refused the request stating that the information held was exempt under section 35(1) (d) of the Act. After investigating the case, the Information Commissioner finds that the first element of the request should properly have been treated as a subject access request within the terms of the Data Protection Act 1998. The Commissioner has weighed up the public interest arguments for and against disclosure under section 35(1) (d) of the Act applied by the DWP and finds that the balance of the public interest in maintaining the exemption does not outweigh the public interest in disclosure of the information. He therefore requires the DWP to disclose to the complainant the information which was the subject of the second element of his request. The Commissioner also finds that DWP, breached the requirements of sections 1(1) (b), 10(1) and 17(1).

The Commissioner's Role

1. The Commissioner's duty 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

2. On 8 January 2007 the complainant made the following request for information to the Department for Work and Pensions (DWP):

   "*To ask the Secretary of State for Work and Pensions how many questions for Written Answer from a) the hon. Member for xxx and b) other hon. Members have been colour coded red by his department since the traffic light system was introduced.*"

3. On 5 April 2007 DWP issued a refusal notice to the complainant in which it quoted the answers it had given to two separate Parliamentary Questions (PQs) on related points on 22 March 2007. Those answers referred in general terms to "the trialling of the new system of colour coding" and stated that:

   - no information was available on the number of Written Answers from MPs which had been coded red under the system,
   - no information was "systematically collected on the number of questions colour coded" and
   - nor was any formal guidance issued on the operation of the system.

4. On 20 April 2007 the complainant asked DWP to undertake an internal review of that refusal.

5. On 27 June 2007 DWP responded to the complainant, informing his of the outcome of its internal review. DWP explained in its letter that "No information was collected on a single database showing how PQs were categorised during a trial period". The actual copy of the internal review letter sent to the complainant was a working copy showing marked up amendments: in the quoted sentence the wording "*was* collected" had evidently replaced the original "*has been* collected". The internal review letter went on to explain how each Ministerial private office had its own system, usually recorded on spreadsheets, for tracking progress on the handling of PQs. It stated that, during the period of the trial, some Private Offices included a reference to the colour coding of PQs in their system.

6. DWP's internal review went on to apply the exemption in section 35(1)(d) of the Act to information that it stated it did hold, namely the spreadsheets described in paragraph 5 above. DWP carried out the public interest test and found that the public interest in maintaining the exemption outweighed the public interest in disclosure of the information.

The Investigation

Scope of the case

7. There are two aspects to the complainant's request. The first, "(a)" relates to questions for Written Answer from "the hon. Member for xxx" whereas "(b)" relates to "other hon. Members". It is the Commissioner's view that the part of the request labelled (a) amounts to a subject access request for personal data within the meaning of the Data Protection Act 1998 (the "DPA"). Section 40(1) of the Act provides an absolute exemption under the Act in relation to personal data. The Commissioner considers that DWP should have refused that aspect of the request under section 40 (1) and should instead have dealt with that part of the request within the terms of the DPA rather than within the terms of the Act and he is therefore considering that aspect of the request separately. Although he refers to this aspect later in the Notice, this Decision focuses on consideration of DWP's handling of that part of the request labelled (b).

8. On 2 July 2007 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
   - The altered wording in the marked up copy of the internal review letter suggested to him: "that this information *has been* collated *(sic)* since my original request". He expressed incredulity that information was not collated on the trial of the colour coding system, arguing: "as this would have made it impossible to measure or evaluate its efficacy"
   - He added: "This info *(sic)* must surely be available and the reasons to keep it secret are very poor".

Chronology

9. The Commissioner contacted DWP on 17 and 18 September 2007 enquiring as to its application of section 35(1)(d) and asking it to reconsider its refusal. The Commissioner noted that the complainant had requested two specific figures, in the initial refusal notice DWP denied it held the information requested as it stated no information was available. However, in the internal review DWP confirmed that did hold some recorded information held within individual department's spreadsheets but explained that it was patchy as there was no systematic recording of 'traffic light status' across each department and for each PQ, it is these spreadsheets which are being withheld under section 35(1) (d). The Commissioner therefore also requested a copy of the information being withheld.

10. DWP replied to the Commissioner on 12 October 2007. It provided to the Commissioner a copy of the information withheld. The DWP

described the information it enclosed as “a spreadsheet containing two workbooks” which it maintains “represent a snapshot only and is not definitive, as there was no systematic recording, or requirement to do so, of such information”.

11. DWP also informed the Commissioner that it maintains its position that section 35(1) (d) applies to the information. It reiterated that “there is/was no systematic monitoring in place within the department for the recording of PQs according to their colour coding. Additionally, there was no formal guidance circulated to Private Offices on this matter”.

12. DWP explained that some individual Private Offices kept informal records noting the colour coding of their PQs. It further expanded on this point as follows: “It was therefore left to individual Private Offices to consider how or indeed whether any records of colour coding were kept. Any records that were made were informal, patchy and not collated centrally”. DWP reiterated and expanded on its arguments that the public interest lay against disclosure.

13. Further, DWP stated that if the Commissioner continued to find that section 35 did not apply, it reserved the option of applying section 36 in the alternative.

14. After examining the information copied to him by DWP, on 16 October the Commissioner wrote to DWP requesting further clarification as to the proportion of PQs which were and which were not colour coded. The Commissioner also asked DWP: “to what extent it would be able to identify any PQs for Written Answer from (a) the hon. Member of xxx and (b) other MPs, which were colour coded red”

15. DWP replied to the Commissioner on 13 November 2007, providing figures relating to the proportion of cases which were colour coded as opposed to those which were not, as well as the proportion of the colour coded cases which were coded red. DWP also provided figures about some PQs which were coded red for the hon. Member for xxx and for other MPs. DWP’s response included provisos about the incomplete nature of the records and also stated that not all records of colour coded PQs bore the name of the relevant MP. DWP asserted again that in the event the Commissioner was minded to conclude that section 35 did not apply, it reserved the option to apply section 36 in the alternative.

16. On 21 November the Commissioner wrote to the complainant and to DWP indicating that he was minded to find that the information requested was held and that the DWP had applied section 35 inappropriately to the complainant’s request.

17. The Commissioner also noted in his letter to DWP that despite the fact that DWP had considered its response to the complainant on a number of occasions, it was only on 12 October 2007, ten months after the

original request was made, that DWP elected to mention the possibility of applying section 36. Furthermore there was no indication that the reasonable opinion of a qualified person had been sought at any point under section 36.

18. The Commissioner therefore asked DWP to consider how it wished to proceed, if at all, in respect of the application of section 36. Both the Commissioner and DWP noted that sections 35 and 36 may only be applied in the alternative.

19. On 11 December 2007 DWP responded to the Commissioner that it did not wish to pursue the application of section 36 to the information requested.

Findings of fact

20. The Commissioner finds that the "traffic light" system was operated for a trial period and had already ended at the time the complainant made his request for information.

21. The Commissioner has examined the copies of spreadsheets provided to him by DWP and finds that even in Private Offices where the trial of the "traffic light" system for coding PQs operated, a "traffic light" colour coding was applied only to some cases.

22. The Commissioner accepts DWP's assertion that not all Private Offices participated in the "traffic light" trial and that record keeping does not appear to have been conducted centrally.

23. Hence, from the evidence provided, the Commissioner accepts that the "traffic light" system for coding PQs was applied only on a patchy basis to a limited number of PQs.

24. The Commissioner has concluded that the records resulting from the trial of the "traffic light" system are not comprehensive.

Analysis

Procedural matters: Section 1 'General Right of Access

25. Section 1(1)(a) provides that any person making a request for information has the right to be informed in writing by the public authority whether it holds information of the description specified in the request. The Commissioner considers that the decision as to whether a public authority has complied with the requirements of section 1 should be made at the completion of the internal review. He has therefore considered if at the time of the completion of the internal review DWP had complied with the requirements of section 1.

26. DWP's refusal notice dated 5 April 2007 did not explain what, if any information was held falling within the scope of the complainant's request. However, the internal review dated 27 June 2006 explained to the complainant what information was held falling with the scope of the request complying with the requirements of section 1(1) (a) by confirming that information was held.

27. However, by failing to confirm that the information was held within 20 working days of the request DWP breached the requirements of section 10(1).

Section 17 'Refusal of Request'

28. Section 17(1) states that a public authority which is relying on a claim that the information is exempt, must, within the time for complying issue a refusal notice which:

    (a) states the fact that information is exempt,
    (b) specifies the exemption in question, and
    (c) states (if that would not otherwise be apparent) why the exemption applies.

29. Section 17(3) states that if a public authority is relying on a qualified exemption it must state the reasons for claiming that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

30. Section 10 of the Act provides that a public authority must comply with section 1 of the Act no later than the twentieth working day following receipt of the request. Section 1 states that a person making a request for information is entitled to be informed in writing if the information is held and if so to have the information communicated to him. Full texts of the relevant sections are included in the 'legal annex' section of this notice.

31. The complainant made his request for information on 8 January 2007. The DWP issued its refusal notice on 5 April 2007 and completed its internal review on 27 June 2006. As noted above, the Commissioner must consider the adequacy of the refusal notice at the time of the completion of the internal review. As the internal review confirmed that information was held, explained which exemption was being applied and why and outlined the public interest test the Commissioner considers that DWP complied with the requirements of section 17(1)(a),(b) and (c) and 17(3)

32. However, the Commissioner finds that DWP was in breach of section 17(1) as the adequate refusal notice was not issued within 20 working days as required by section 10(1).

Exemption: Section 35 'Formulation of government policy'

33. Section 35(1)(d) provides that information held by a government department is exempt if it relates to the operation of any Ministerial private office. The Commissioner considers that this exemption applies only to part (b) of the request for information. He has considered the handling of part (a) of the request in paragraphs 46 to 49 below.

34. DWP suggested that the "Private Office spreadsheets" it had referred to fell within the section 35(1)(d) definition. The Commissioner takes the view that the word "operation " in the section 35(1)(d) definition should be interpreted quite narrowly, limiting the scope of the exemption to practical matters such as routine emails, procedures for handling ministerial papers, diary and travel arrangements and staffing. He does not consider that the fact that information has originated in a Ministerial private office necessarily entails that it engages section 35(1)(d). However he accepts that, in this case, the requested information comprised records relating to procedures for the handling of papers; in this instance, PQs. It is the Commissioner's view that this information falls within the scope of section 35(1)(d) as it is information which relates to the operation of any Ministerial private office

Public Interest Test

35. Section 35(1)(d) is a qualified exemption which means that the public interest must be considered in relation to the disclosure or otherwise of the information. The Commissioner has therefore gone on to consider the arguments for and against disclosure in relation to the public interest test.

36. DWP argued that the public interest in maintaining the exemption outweighs the public interest in disclosure of the information. DWP stated that: "little would be added to public knowledge" by disclosure in this instance. It also suggested that: "the material would not inform understanding of the current operation of private offices as the trial has been discontinued". In addition: "The rationale for the trialling of the

colour coding system has already been explained by Ministers in response to *[the PQ mentioned in the original reply]….* so again there would be little additional reassurance that private offices *[sic]* were being used appropriately or otherwise from release of this material". DWP further argued that a Private Office "is an important aspect of the space around Ministers which needs to be protected so that good decision making is not threatened and that free and frank advice can be given and received". It declared that if every aspect of the handling of PQs were to become open to public scrutiny, then this would be likely to impact both on the quality of final answers provided to Parliament and their timeliness. Also DWP argued that Private Office staff could also become inhibited from introducing new ways of working in other aspects of their business to the potential detriment of the efficiency with which they serve Ministers.

37. DWP went onto argue that the recording of whether PQs were or were not colour coded at the time represented the wishes of individual Ministers and Private Offices are a place where quite a particular candour is required, and where the Minister should be able to expect such discussions and processes to remain outside of the public gaze. Furthermore, these colour codes would relate to sensitive policy areas in other fields, and show where officials and Ministers believed (and may indeed continue to believe) those weaknesses and strengths to lie.

38. DWP further contended that disclosure of the information would reveal how the Government "viewed and assessed its own policies internally" which might discourage officials from making frank assessments of policies internally within the department, which the DWP argued would not be in the public interest. It also argued that to release the information so soon after such assessments are made "would not promote future frank discussion about PQs "and would therefore hinder the process of answering PQs "properly, in line with the expectations of Parliament".

39. The Commissioner accepts DWP's argument that the inconsistent and limited extent of the trial system renders any such information that is held by DWP potentially misleading and unhelpful. However those factors would not in themselves be adequate reasons for refusing disclosure of the information under the Act.

40. The Commissioner has considered the argument that disclosure of the information would inhibit free and frank discussions and the provision of free and frank advice in Private Offices and that disclosure would inhibit the candour which is essential to the effective operation of Private Offices. Whilst he appreciates that arguments regarding loss of frankness and candour are valid, having considered the information requested in this particular case he does not consider that disclosure would have this effect.

41. The DWP has suggested that if every aspect of how PQs are handled became open to public scrutiny, this would have an adverse impact "both on the quality of final answers provided to Parliament and their timeliness". The Commissioner does not find this argument compelling, as he would expect civil servants to maintain the professional standards required by their role. He is also not persuaded that disclosure would discourage Private Office staff from trying new ways of working in the future.

42. In relation to the specific information which was the subject of this request, the DWP argued that, since the colour coding was operated only on a patchy basis and that the resulting information was neither complete nor comprehensive, it would enhance public knowledge only to a limited extent and moreover is out of date now that the trial has ended. The Commissioner finds the assertion that the information is out of date to be irrelevant. He considers the argument that the information is incomplete to be slightly more compelling, since that goes directly to the accuracy of the information that could be provided to the complainant. However the Commissioner finds that this problem could be addressed by the provision to the requester of an explanatory note. In addition, the Commissioner notes that in the DfES v the Information Commissioner and the Evening Standard (EA/2006/006), the Tribunal rejected arguments that historical information which fed into the further development of a policy should continue to be withheld. Disclosure of information about a completed trial of an administrative procedure which might have relevance for future administrative improvements would be in the public interest.

43. The Commissioner has viewed the spreadsheets in question and notes that the information contained within them is brief, including the PQ number, the type of questions (i.e. written, lords, named day etc), the date for answer, subject, date received, status (red, amber or green). He does not agree that these relate to sensitive policy areas or show where Ministers felt there were areas of strengths or weakness. In fact within one department the same subject is listed with different codings. The Commissioner also notes that the colour coding relates to a way of prioritising work. For example a 'red' code could be assigned because of the topic, the deadline for response or the complexity of question.

44. The Commissioner notes that under the Act, there is an assumption in favour of disclosure and in addition he also considers that the specific arguments favouring disclosure in this case are as follows:

- there is a public interest in transparency in the operation of Private Offices
- it is also in the public interest to ensure that Private Offices operate efficiently and that their procedures are both appropriate and effective
- disclosure of the information would help to ensure transparency in the procedure for managing PQs which are, after all, raised

by elected representatives.

45. The Commissioner has weighed the arguments for and against disclosure in the particular circumstances of this case and finds that, on balance, the public interest in maintaining the exemption does not outweigh the public interest in disclosure of the information sought in part (b) of the request, namely the number of questions submitted for written answers coded 'red'.

Part (a) of the Request

46. In relation to part (a) of the request, The Commissioner has considered DWP's application to it of section 35(1)(d) and finds that the DWP should instead have treated this aspect of the request as a subject access request.

47. DWP has argued to the Commissioner that information sought in part (a) of the request did not amount to personal data since: "there is nothing to suggest that the colour coding has anything to do with the hon. Member as opposed to the content of the questions that he is asking".

48. However the Commissioner is not satisfied by this argument. He considers that it is artificial to separate the Parliamentary Question from the person posing it. The colour coding system was designed to have an influence on the way in which the PQ was handled. The information is therefore inextricably linked to the person posing the PQ. The Commissioner's view is that the information sought in part (a) of the request amounts to personal data and should be treated as a subject access request under the DPA. He is writing separately to the parties on this particular point.

49. The Commissioner therefore finds that the DWP should have refused part (a) of the request by applying the exemption under section 40(1) of the Act.

The Decision

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50. The Commissioner's decision is that, in relation to parts (a) and (b) of the request for information dated 8 January 2007, the public authority did not deal with the request in accordance with the Act, as follows:

- Breached the requirements of section 1(1) (b) and 10(1) as it failed to supply the requested information within 20 working days of the request.
- Breached the requirements of section 10(1) by failing to confirm that information was held within 20 working days of the request.

- Breached the requirement of section 17(1) by failing to inform the complainant of the exemption it was relying on within 20 working days of the request.
- Incorrectly applied the exemption at section 35(1) (d).

51. However, the Commissioner finds that DWP dealt with the following elements of the request in accordance with the requirements of the Act:

    - Complied with the requirements of section 1(1) (a) is it confirmed that information was held.
    - Complied with the requirements of section 17(1)(a), (b) and (c) and 17(3)

Step Required

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52. The Commissioner requires the public authority to take the following step to ensure compliance with the Act:

    - Disclose to the complainant the information requested in part (b) of his request.

53. The public authority must take the step required by this notice within 35 calendar days of the date of this notice.

Failure to comply

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54. Failure to comply with the step described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Information Commissioner's Office

Right of Appeal

55. 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@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

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 8th day of September 2008

Signed ………………………………………………..

Gerrard Tracey
Assistant Commissioner

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

Information Commissioner's Office

Legal Annex

Section 1

(1) 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.

Time for Compliance

Section 10(1) provides that –
"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

Section 10(2) provides that –
"Where the authority has given a fees notice to the applicant and the fee paid is in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt."

Section 10(3) provides that –
"If, and to the extent that –

(a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or
(b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,

the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given."

Section 10(4) provides that –
"The Secretary of State may by regulations provide that subsections (1) and (2) are to have effect as if any reference to the twentieth working day following the date of receipt were a reference to such other day, not later than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with the regulations."

Section 10(5) provides that –
"Regulations under subsection (4) may –

(a) prescribe different days in relation to different cases, and
(b) confer a discretion on the Commissioner."

Section 10(6) provides that –
"In this section –
"the date of receipt" means –

(a) the day on which the public authority receives the request for information, or
(b) if later, the day on which it receives the information referred to in section 1(3);

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom."

Refusal of Request

Section 17(1) provides that -
"A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies."

Section 17(2) states –

"Where–

(a) in relation to any request for information, a public authority is, as respects any information, relying on a claim-
  (i) that any provision of part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant t the request, or
  (ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and

(b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2,

the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an estimate of the date by which the authority expects that such a decision will have been reached."

Section 17(3) provides that -

"A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

(a) that, in all the circumstances of the case , the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information."

Section 17(4) provides that -

"A public authority is not obliged to make a statement under subsection (1)(c) or (3) if, or to the extent that, the statement would involve the disclosure of information which would itself be exempt information.

Section 17(5) provides that –

"A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact."

Section 17(6) provides that –

"Subsection (5) does not apply where –

(a) the public authority is relying on a claim that section 14 applies,

(b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and

(c) it would in all the circumstances be unreasonable to expect the

authority to serve a further notice under subsection (5) in relation to the current request."

Section 17(7) provides that –

"A notice under section (1), (3) or (5) must –

(a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure, and

(b) contain particulars of the right conferred by section 50."

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;
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> "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."