

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 19 April 2023

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

#### **Decision (including any steps ordered)**

---

1. The complainant requested information regarding the honours nomination and assessment process. The Cabinet Office provided some information and withheld the remainder under Sections 22(1), 35(1)(a), and 37(1)(b) of the FOIA. During the course of the Commissioner's investigation, the Cabinet Office withdrew its reliance on Sections 22(1) and 35(1)(a) and relied solely on 37(1)(b).
2. The Commissioner's decision is that the Cabinet Office has appropriately applied section 37(1)(b), the conferring by the crown of any honour or dignity, with the public interest favouring maintaining the exemption.
3. The Commissioner does not require further steps.

## Request and response

---

4. On 16 March 2022, the complainant wrote to the Cabinet Office and requested information in the following terms:

"My request is in two parts.

Part One

The AMSC met on the following dates to discuss the submissions they had received in respect of historical medallic recognition:

1 May 2019

3 September 2019

19 November 2019

4 February 2020

29 January 2021

26 April 2021

Unknown date between 1 May to 31 December 2021

Unknown date from 1 January 2022 to 16 March 2022

Would you please forward to me the dates of the HD Committee

Meetings which received the advice from each of these AMSC meetings.

Part Two

Would you please forward to me the minutes of the HD Committee Meetings which made decisions and recommendations in respect of the advice on medal submissions which the AMSC made to the HD Committee.

Thank you."

5. The Cabinet Office responded on 14 April 2022. It confirmed that the information was held and provided the dates requested in part one of the request. It stated that the information requested in part two was being withheld under Sections 22(1), 35(1)(a), and 37(1)(b) of the FOIA.
6. The complainant requested an internal review on 19 April 2022, and the Cabinet Office provided the outcome on 14 June 2022, upholding its decision that the exemptions were correctly applied.

## Reasons for decision

---

7. During the course of the investigation, the Cabinet Office dropped its reliance on sections 22(1) and 35(1)(a), relying solely on section

37(1)(b). Section 37(1)(b) states that information is exempt if it relates to the conferring by the Crown of any honour or dignity.

8. The request specifically seeks the meeting minutes of the Committee on the Grant of Honours, Decorations and Medals (HD Committee). These meetings are held to determine individuals suitable for medallic recognition. As such the Commissioner is satisfied that the withheld information clearly falls within the scope of the exemption at section 37(1)(b) as it relates to the conferring of honours, therefore section 37(1)(b) is engaged. The Commissioner confirms that he has inspected the information in question.
9. Section 37(1)(b) provides a qualified exemption and is therefore subject to the public interest test set out in section 2(2)(b) of FOIA. The Commissioner has therefore to consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the withheld information.

### **Arguments in favour of maintaining the exemption**

10. The Cabinet Office emphasized that the honours process relies on a level of confidentiality in order to operate effectively and efficiently. It set out the following arguments in favour of maintaining the exemption:
  - it is made apparent to applicants that the details of their application will remain confidential
  - the process of medallic recognition is a sensitive and controversial topic
  - the small size of the committee means it will likely be possible to identify speakers despite redaction
  - premature exposure could inhibit those involved from free and frank discussion of applications
  - maintaining the confidentiality of the process ensures that decisions are made on the merits and achievements of each candidate, and not on the basis of lobbying
  - the need to ensure that those who sit on honours or dignities assessment committees can carry out their work free from pressure from, or on behalf of candidates
  - due to the AMSC offering advice on medallic recognition to the HD Committee, disclosure would likely affect the AMSC also.

## **Arguments in favour of disclosure**

11. The Cabinet Office acknowledged a “general presumption of public interest in disclosure”. It also recognised that disclosure of the requested information may improve public understanding of the honours process and how honours were awarded.
12. The complainant also provided arguments in favour of disclosure, as follows:
  - The complainant is concerned applications for medallic recognition have not been properly analysed
  - The complainant alleges wrongdoing on the part of the HD Committee and that they have violated the Civil Service Code.

## **The Commissioner's view**

13. The Commissioner considers that there is a strong public interest in openness and transparency about matters relating to the nature and extent of the vetting process in relation to the conferring of an honour or dignity. The withheld information in this case would enhance public understanding of the honours system process.
14. The Commissioner accepts that, in order for the honours system to operate effectively and efficiently it is important that there is a degree of confidentiality and a safe space for those involved in the process to freely and frankly discuss nominations. The Commissioner also accepts that if views, opinions and commentary about nominations that are provided in confidence, were later released into the public domain it would be likely to result in individuals being less willing to make similar contributions in the future and/or provide less candid comments and input. The Commissioner considers that disclosure of information that may adversely impact on this confidentiality, and in turn harm the effectiveness of the honours system, would not be in the public interest.
15. The Commissioner acknowledges the complainant's concerns about possible wrongdoing or failure to fully analyse medallic applications. However, having inspected the information in question, he has no reason to consider that this is the case.
16. In terms of public transparency, the Commissioner notes that the Cabinet Office publishes general information about the independent honours process, and reports on the operation of that process, at [www.gov.uk/honours](http://www.gov.uk/honours). Also available at that link is the membership of the independent honours committees which assess the merit of nominations and the criteria they use to do so.

17. In balancing the public interest factors the Commissioner has concluded that the public interest favours maintaining the exemption. He has reached this conclusion given his view that disclosure of the withheld information in this particular case would undermine the confidentiality of the honours process and as set out above he considers there to be a significant public interest in protecting the effective operation of the system. Accordingly, the Commissioner finds the Cabinet Office's reliance on section 37(1)(b) was correct.

## Right of appeal

---

18. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

## Signed

**Joanna Marshall**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**