



**First-tier Tribunal
(General Regulatory Chamber)
Information Rights**

Appeal Reference: EA/2016/0078

**Decided without a hearing
On 19 November 2018**

Before

JUDGE BUCKLEY

MELANIE HOWARD

MARION SAUNDERS

Between

ANTHONY MORLAND

Appellant

and

THE INFORMATION COMMISSIONER

First Respondent

THE CABINET OFFICE

Second Respondent

REDACTED CLOSED ANNEX

1. For the reasons set out below and in the open decision s35(1)(a) and s37(1)(b) of the Freedom of Information Act 2000 (FOIA) are engaged and the public interest in disclosure is outweighed by the public interest in maintaining the exemption in relation to the part of the withheld information identified below.

Closed submissions by the Cabinet Office dated 14 August 2018

1. [REDACTED]
2. The minutes are frankly expressed including [REDACTED]. This would not have been included if there had been any real expectation of the minutes being made public. Release of minutes in these terms would create a chilling effect and impinge on the safe space for discussion of honours and formulation and development of policy.

Closed submissions from the Commissioner dated 28 August 2018

3. [REDACTED].
4. [REDACTED].

Closed reasoning

5. The Tribunal accepts that the following sections of the minutes contain the frank expression of views or confidential information and we find that disclosure of these would adversely affect the particular interests of protecting candour and confidences in the medals process under s37. [REDACTED].
6. [REDACTED].
7. Further the Tribunal concludes that, in the context of policy making within the medals process, there is a risk of a chilling effect on future policy making in this area if these sections of the minutes were disclosed, which would adversely impact the interests protected by s35.
8. In relation to these sections of the minutes there is a significant public interest in maintaining the exemption which outweighs the public interest in disclosure identified in the open decision.
9. The parts of the information that should be withheld are contained square brackets and set out in bold type. The rest of the information should be disclosed:

Item 3: National Defence Medal

The Secretary [REDACTED] noting the recent heated correspondence from veterans' organisations who had been disappointed by the Committee's decision not to recommend a National Defence Medal. The Committee agreed that it was unfortunate that the veterans had gained the impression that proper consideration had not been given to all their arguments [REDACTED]

However, the Secretary could send a short letter reassuring the veterans that their arguments had been properly heard.

Signed Sophie Buckley

Judge of the First-tier Tribunal

Date: 20 February 2019

Promulgated: 5 June 2019