

## **List of ‘triggers’ for referral to the DCA Clearing House**

FOI Practitioners are expected to refer cases to the Clearing House in the following instances. Referral does not necessarily mean that the Clearing House will need to become fully engaged with the request. Nevertheless, it is essential to refer cases so that the Clearing House can effectively ensure consistency of response and advise Departments properly.

### **Prime Ministerial and Ministerial Issues**

Requests for, or relating to:

- Ministerial Diaries;
- the role of Ministers e.g. Ministerial financial interests, and propriety issues related to the Ministerial Code;
- the work of Private Offices;
- the current Prime Minister;
- Cabinet and its Committees, e.g. agendas, papers, minutes and meeting dates;
- the operation of collective responsibility e.g. inter-Ministerial correspondence and notes of meetings between Ministers;
- correspondence between the UK and the Devolved Administrations;
- papers of a previous administration; and
- Select Committee evidence and appearances where information is not already in the public domain,

### **Royal Household and Honours**

Requests for, or relating to:

- communications with Her Majesty, other members of the Royal Family or with the Royal Household; and
- the conferring of Honours.

### **Procurement and Efficiency**

Requests for, or relating to:

- Gateway reviews;
- internal audit reports;
- NAO investigations;
- complex and/or high profile procurement projects; and
- shared information held relating to the Efficiency Programme.

### **Cross-Whitehall Issues**

Requests for, or relating to:

- cross-Whitehall issues and suspected round robin requests;
- high profile issues, whether current or historical (e.g. issues of Ministerial and/or media interest and where release or refusal likely to attract media coverage);
- information less than 30 years old is held by the National Archives and there may be a dispute between the Department and TNA;

- metadata (such as - software code, document properties (e.g. list of people editing documents / when last edited / etc), document wordcounts);
- file lists where the guidance does not apply;
- requests which could be vexatious; and
- requests which may involve the use of section 34 (Parliamentary Privilege exemption)

### **Ministerial Veto Certificates and Security**

Requests:

- which might lead to the use of Ministerial vetos;
- where the use of the exemption under s.23 FOI Act is being considered;
- where the use of the exemption under s.24 FOI Act is being considered; and
- relating to Departmental security matters.

### **Other Issues**

Requests:

- which are covered by Working Assumptions, but where Departments do not think they apply;
- for information that were previously disallowed under the Code of Practice on Access to Government Information;
- where Departments disagree with Clearing House advice; and
- where the application of FOI, EIRs or DP is complex and/or technically difficult;

### **Appeals**

- Internal reviews of Departmental decisions to **withhold information** (not reviews about process);
- Appeals to the Information Commissioner;
- Any correspondence from the Office of the Information Commissioner;
- Appeals to the Information Tribunal; and
- Any correspondence from the Information Tribunal