

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

### **Decision notice**

**Date:** 3 October 2024

**Public Authority:** Cabinet Office

**Address:** 70 Whitehall  
London  
SW1A 2AS

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

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1. The complainant submitted three requests to the Cabinet Office each seeking a file containing records of the Ministerial Committee on Animal Rights Activists. The Cabinet Office initially withheld each file on the basis of sections 23(1) (security bodies) and 24(1) (national security) (cited in the alternative) and sections 31(1)(a) to (c) (law enforcement). During the course of the Commissioner's investigation the Cabinet Office withdrew its application of sections 31(1)(a) to (c), and for two of the files cited section 22(1) (information intended for future publication), and for the third file explained that at the time of the request, save for some retained material, the file in question was not held.
2. The Commissioner's decision is that:
  - In relation to MISC 13(01), the Cabinet Office did not hold this file at the date of the complainant's request for it and therefore section 22(1) does not apply to any parts of the file. The only exception to this is in relation to the parts of the file retained by the Cabinet Office which were held by it at the time of the request and are exempt on the basis of sections 23(1) and 24(1), applied in the alternative, or section 40(2).
  - In relation to MISC 13(02), the Cabinet Office did not hold this file at the date of the complainant's request for it. The only exception to this is in relation to the parts of the file retained by the Cabinet Office which were held by it at the time of the request and are

exempt on the basis of sections 23(1) and 24(1), applied in the alternative.

- In relation to MISC 13(03), the Cabinet Office held the entirety of this file at the date of the complainant's request for it. The Commissioner accepts that the file was exempt from disclosure on the basis of section 22(1) and the public interest favours maintaining the exemption. The only exception to this is in relation to the parts of the file retained by the Cabinet Office which are exempt on the basis of sections 23(1) and 24(1), applied in the alternative.
3. The Commissioner does not require further steps.

### **Request and response**

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4. The complainant submitted three separate requests to the Cabinet Office (two on 20 July 2023, and one on 8 August 2023) all of which sought access to papers from the series 'Ministerial Group on Animal Rights Activists'.
5. For all three of the requests, the Cabinet Office responded by confirming that it held the requested information but that it was seeking to withhold this on the basis of sections 23(1) (security bodies) and 24(1) (national security) (cited in the alternative)<sup>1</sup> and sections 31(1)(a) to (c) (law enforcement) of FOIA. It upheld these positions at internal review.
6. A chronology of each request is included in the annex to the notice.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 20 February 2024 in order to complain about the Cabinet Office's decision to withhold the

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<sup>1</sup> Citing the sections 23(1) and 24(1) of FOIA in the alternative means that although only one exemption is engaged the other one is also cited so as to disguise which exemption is in fact being relied upon. This approach may be necessary in instances where citing one exemption would in itself be harmful. Further information on this issue is contained in the Commissioner's guidance <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/how-sections-23-and-24-interact/#text4>

files sought by each of his three requests on the basis of the exemptions cited.

8. During the course of the Commissioner’s investigation the Cabinet Office clarified the exemptions which it was seeking to apply to the requested files. It explained that it no longer sought to rely on sections 31(1)(a)-(c) in respect of any of the requests. Rather, its position in respect of each file was follows:

<b>File reference</b>	<b>Applicable exemptions</b>
MISC 13(01)	Section 22, section 23 and (in the alternative) section 24 and 40(2) (personal data) of FOIA.  (Subject to retention under sections 23 and, in the alternative, section 24 of FOIA after opening.)
MISC 13(02)	Information not held. Some retained information exempt under sections 23 and, in the alternative, section 24 of FOIA.
MISC 13(03)	Section 22, section 23 and, in the alternative, section 24 of FOIA.

9. Furthermore, the Cabinet Office provided the Commissioner with background information and a timeline of key events regarding these files. The Commissioner considers such information to be key to understanding the application of FOIA to these requests and he has therefore reproduced this detail in full in the annex attached to this notice.
10. The Commissioner has set out below, with reference to each file, his findings in relation to the exemptions now being cited by the Cabinet Office.
11. It is important to note that the Commissioner’s remit is limited to considering the circumstances as they existed at the point each request was submitted.

## Reasons for decision

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### MISC 13(03)

#### Section 22

12. The Cabinet Office argued that files MISC 13(03) (and MISC 13(01) which is considered in the Commissioner's analysis below) were exempt from disclosure on the basis of section 22(1) of FOIA. This states that information is exempt if at the time a public authority receives a request for it:

- the public authority holds the information;
- the public authority intends to publish the information at some future date, whether determined or not; and
- in all the circumstances it is reasonable to withhold the information prior to publication.

13. Therefore, in order for section 22(1) to be engaged, a public authority has to demonstrate that each of the three criteria set out above are met. The exemption is also subject to the public interest test, and therefore if the exemption is engaged, the Commissioner must consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14. In support of its position that section 22(1) applied to MISC 13(03) (and MISC 13(01)) the Cabinet Office stated the following:

"The Cabinet Office contends that information in MISC 13(01) and MISC 13(03) were, at the time of the request, exempt from disclosure under section 22(1) of the Act as they were intended for future publication. MISC 13(01) transferred to The National Archives on 2 March 2023, though it did not open until 31 October 2023. The request [for MISC 13(01)] was received on 8 August 2023 and was the principal reason for the delay in opening the file as arrangements were made, unnecessarily, to check the content of the file in light of the request.

At the time of the request, MISC 13(03) was being prepared for transfer to TNA. It had been added to the schedule of files for review and transfer on 6 July 2022 and by 22 July 2023 it had passed its final quality checks and was being boxed ready for its physical transfer to TNA. In the normal course of events the file would have transferred to TNA within weeks and would have opened at the end of December

2023. The request was received on 20 July 2023 and further operations on the file were delayed pending the outcome of the stages of the FOI request (including this complaint to the ICO). MISC 13(03) is ready to transfer pending the outcome of this complaint and any subsequent appeals.”

15. The Cabinet Office’s public interest test submissions also included some points relevant as to why it considered it reasonable in all the circumstances to withhold the files prior to publication:

“...there is a stronger public interest in the Cabinet Office, and other public authorities, being able to prepare files for transfer to TNA under section 3(4) of the Public Records Act 1958 without the process being disrupted by requests to take particular files out of turn at the expense of the process as a whole. The Cabinet Office alone prepares some 1,000 files each year for transfer. This is a complex process and includes reviewing the files for sensitive information in order to protect national security among other things, the redaction of sensitive information and boxing and shipping the files according to standards set by the Keeper of Public Records. Interference with this process would increase pressure on the staff carrying out this work, removing a file from the flow would necessitate repeating some of the stages and increase the risk that files will not transfer at the time appointed by statute. It also increases the risk that sensitive information may be released accidentally.”

16. With regard MISC 13(03), in view of the Cabinet Office’s submissions, the Commissioner accepts that the three criteria above are clearly met. At the point the request was received on 20 July 2023 it held the file and it had a clear intention to publish it – via release as an open record – to TNA.

17. The Commissioner’s own guidance is clear on the issue of “open” files at TNA:

“Where a public authority has identified records for transfer to The National Archives (TNA) as ‘open’ records, we would accept that there is an intention to publish. This is because, once transferred to TNA, the information is made available to the public by an established and accessible system of inspection.”<sup>2</sup>

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<sup>2</sup> <https://ico.org.uk/media/for-organisations/documents/1172/information-intended-for-future-publication-and-research-information-sections-22-and-22a-foi.pdf>

18. The Commissioner also agrees that it would not be an effective use of public resources for the established process of transferring files from the Cabinet Office to TNA to be interrupted by individual FOI requests for certain files, particularly in the circumstances of this case where the process for the file in question was arguably well advanced.
19. The only exception for this finding in relation to file MISC 13(03) is in relation to the parts of the file which the Cabinet Office was intending to retain rather than transfer, ie the information it is withholding on the basis of sections 23 and section 24 (applied in the alternative). This is because it did not have a clear intention to publish such information, evidenced by the fact that such information is now being withheld on the basis of sections 23(1) and 24(1).
20. In terms of the public interest test, in addition to the arguments set out above, the Cabinet Office argued that there is a clear public interest in records being opened in accordance with the statutory requirements and in protecting sensitive information from disclosure. In its view anything which would jeopardise either of these objectives is not in the public interest.
21. It also noted the following point in the Commissioner's guidance on section 22(1):

"...the public interest in releasing the information will often be stronger if the publication date is far in the future or where it isn't set."
22. In relation to MISC 13(03), the Cabinet Office explained that the process of opening this file had already been delayed in anticipation of the various stages of the request, and that this file would open at the end of this year, 2024, subject to the conclusion of this request. In view of this the Cabinet Office argued that, at the time this request, the public interest strongly favoured maintaining the exemption.
23. For his part the complainant argued that there was a vital public interest in the disclosure of the files he had requested across all three requests in order to hold government to account and that this far outweighed reasons for continued secrecy.
24. The Commissioner accepts that there is a public interest in the disclosure of information in these files in order to inform the public about decisions taken by the Ministerial sub-Committee regarding this subject during the period covered by the requests.
25. However, with regard to the balance of the public interest for section 22(1) in respect of file MISC 13(03) the Commissioner agrees with the Cabinet Office's assessment. As indicated above, the Commissioner accepts that there is a clear public interest in ensuring that existing

procedures for the opening of historical files are not disrupted by FOI requests for individual files. To do so would interfere with the efficiency and effectiveness of such a process, an outcome which the Commissioner agrees is firmly against the public interest. The Commissioner also accepts that in the circumstances of this file, MISC 13(03), the process of transferring the file to TNA was established and in train at the point this request was submitted, and indeed the request itself led to the disruption of this process. In view of the above, the Commissioner accepts that the public interest favours maintaining the exemption contained at section 22(1) of FOIA.

### Sections 23 and 24

26. For the information which the Cabinet Office has retained from MISC 13(03) (or indeed will retain at the point the file is transferred), the Commissioner has considered whether sections 23(1) or section 24(1), cited in the alternative, provide a basis for it to withhold such information.
27. Section 23(1) of FOIA provides an exemption which states that:

“Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).”
28. To successfully engage the exemption at section 23(1), a public authority needs only to demonstrate that the relevant information was directly or indirectly supplied to it by, or relates to, any of the bodies listed at section 23(3).<sup>3</sup>
29. Section 23(1) is an absolute exemption, except when it is applied to historical records, ie records over 20 years old, held by TNA. In such circumstances the exemption becomes a qualified one and therefore subject to the public interest test.
30. Section 24(1) states that:

“Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security”.

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<sup>3</sup> A list of the bodies included in section 23(3) of FOIA is available here: <http://www.legislation.gov.uk/ukpga/2000/36/section/23>

31. FOIA does not define the term 'national security'. However in *Norman Baker v the Information Commissioner and the Cabinet Office* (EA/2006/0045 4 April 2007) the Information Tribunal was guided by a House of Lords case, *Secretary of State for the Home Department v Rehman* [2001] UKHL 47, concerning whether the risk posed by a foreign national provided grounds for his deportation. The Information Tribunal summarised the Lords' observations as follows:
- 'national security' means the security of the United Kingdom and its people;
  - the interests of national security are not limited to actions by an individual which are targeted at the UK, its system of government or its people;
  - the protection of democracy and the legal and constitutional systems of the state are part of national security as well as military defence;
  - action against a foreign state may be capable indirectly of affecting the security of the UK; and,
  - reciprocal co-operation between the UK and other states in combating international terrorism is capable of promoting the United Kingdom's national security.
32. Furthermore, in this context the Commissioner interprets 'required for the purpose of' to mean 'reasonably necessary'. Although there has to be a real possibility that the disclosure of requested information would undermine national security, the impact does not need to be direct or immediate.
33. As is clear from the wording of section 24(1), the exemptions provided by sections 23(1) and 24(1) are mutually exclusive. This means they cannot be applied to the same request.
34. However, the Commissioner recognises that the fact that section 24(1) can only be applied to information that is not protected by section 23(1) can present a problem if a public authority does not want to reveal whether or not a section 23 security body is involved in an issue. To overcome this problem, as referred to above at footnote 1, the Commissioner will allow public authorities to cite both exemptions 'in the alternative' when necessary. This means that although only one of the two exemptions can actually be engaged, the public authority may refer to both exemptions in its refusal notice.
35. As the Commissioner's guidance on this issue explains, a decision notice which upholds the public authority's position will not allude to which exemption has actually been engaged. It will simply say that the Commissioner is satisfied that one of the two exemptions cited is engaged and that, if the exemption is section 24(1), the public interest

favours withholding the information. The approach of applying these exemptions in the alternative has been accepted by the Upper Tribunal.<sup>4</sup>

*The Cabinet Office's position*

36. The Cabinet Office explained that the information in question was exempt from disclosure under sections 23(1) and 24(1) of FOIA. As the exemptions were being cited in the alternative, it explained that it was not appropriate, in the circumstances of the case, to say which of the two exemptions is actually engaged so as not to undermine national security or reveal the extent of any involvement, or not, of the bodies dealing with security matters.
37. To the extent to which section 24(1) is engaged, and in respect of the balance of the public interest, the Cabinet Office acknowledged that there is a general public interest in the disclosure of information and it recognised that openness in government may increase public trust in and engagement with the government. However, it argued that this had to be weighed against the very strong public interest in safeguarding national security. The Cabinet Office argued that this sensitive information is protected, as disclosure of information in this case would damage national security. Taking into account all the circumstances of this case it determined that the balance of the public interest favoured withholding this information.

*The complainant's position*

38. As noted above the complainant argued that there was a vital public interest in the disclosure of the files he had requested.
39. In respect of section 23(1), the complainant argued that the information sought by all three of his requests constituted historical records, and therefore section 23(1) was a qualified exemption.

*The Commissioner's position*

40. The Commissioner disagrees with the complainant's position that section 23(1) is a qualified exemption in relation to the material the Cabinet Office has retained, on the basis of sections 23(1) and 24(1), in MISC 13(03). This is because the information to which the Cabinet Office has

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<sup>4</sup> Foreign, Commonwealth and Development Office v Information Commissioner, Williams & Others, [2021] UKUT 248 (AAC) <https://www.gov.uk/administrative-appeals-tribunal-decisions/foreign-commonwealth-and-development-office-v-information-commissioner-williams-and-others-sections-23-and-24-2021-ukut-248-aac>

applied section 23(1) and section 24(1) to has not been transferred to TNA; rather it has been retained by the Cabinet Office. (Similarly nor does he consider the information retained from files MISC 13(01) or MISC 13(02) to constitute historical records.)

41. Furthermore, based on submissions provided to him by the Cabinet Office during the course of his investigation, the Commissioner is satisfied that the information which it has retained from file MISC 13(03) either falls within the scope of the exemption provided by section 23(1) of FOIA or falls within the scope of the exemption provided by section 24(1) of FOIA, and that if the exemption engaged is section 24(1) then the public interest favours maintaining the exemption.
42. The Commissioner cannot elaborate on his rationale behind this finding without compromising the content of the withheld information itself or by revealing which of these two exemptions is actually engaged. The Commissioner appreciates that this is likely to prove frustrating to the complainant. However, the Commissioner would like to emphasise that he has carefully scrutinised the Cabinet Office's submissions and the content of the withheld information in question.

### **MISC 13(01)**

#### Section 22

43. With regard to MISC 13(01), the Commissioner does not accept that section 22(1) of FOIA can apply to any parts of this file as the first criterion above at paragraph 12 is not met.
44. At the time the Cabinet Office received the request for this file on 8 August 2023, it no longer held the file as this had been transferred to TNA in March 2023. Whilst the file may not have been opened at TNA until 31 October 2023, the file was no longer held by the Cabinet Office. Therefore, for the purposes of section 1(1) of FOIA, the file was not held by the Cabinet Office at the date of the request and thus it cannot rely on section 22(1) to 'withhold' this information as the first criterion of the test set out above it not met.
45. Despite finding that this exemption is not engaged, there is no step that the Commissioner requires the Cabinet Office to take because he has found that at the time of the request it did not hold the information to which this exemption has been applied.

#### Sections 23 and 24

46. Again, the Commissioner accepts that the only exception to this finding concerns the parts of the file which the Cabinet Office retained, and thus

did not send to TNA, and to which it is seeking to withhold on the basis of sections 23(1) and 24(1), in the alternative.

47. For the reasons set above at paragraphs 40 to 42 the Commissioner is satisfied that the Cabinet Office held such information at the time of the request but that it was entitled to rely on sections 23(1) and 24(1) in the manner in which it did in order to refuse to disclose such information.

### **MISC 13(02)**

#### Information not held

48. As noted above the Cabinet Office explained that this file opened at TNA on 19 July 2023 – ie prior to the request being submitted - subject to the retention of some information on the basis of sections 23(1) and 24(1) in the alternative.

49. The Cabinet Office further explained to the Commissioner that:

“Although the requester noted in his request that MISC 13(02) was listed as ‘cannot be ordered’ at The National Archives (TNA), we are advised by TNA that the file was open on transfer. TNA have further advised that the online catalogue listing for MISC 13(02) (as is common with all files) contains a ‘contact us’ button which would have enabled the requester to contact TNA in order to confirm when the record would be accessible or if something could be arranged for the specific record to be produced.

We therefore consider that, at the time of the request, file MISC 13(02) was viewable at TNA and not held by the Cabinet Office.”

50. The Commissioner agrees that at the time of the request the Cabinet Office – with the exception of the material that had been retained – did not hold the file MISC 13(02) precisely because, as explained by the Cabinet Office, it had already been transferred to TNA. Therefore, for the purposes of FOIA the Commissioner is satisfied that the Cabinet Office did not hold the file MISC 13(02) at the time of the request – the exception being the information it retained on the basis of sections 23(1) and 24(1).

#### Sections 23 and 24

51. In relation to the information which the Cabinet Office retained, for reasons set above at paragraphs 40 to 42 the Commissioner is satisfied that the Cabinet Office is entitled to rely on sections 23(1) and 24(1) in the manner in which it did in order to refuse to disclose this information.

Section 40(2)

52. The Cabinet Office explained to the Commissioner that it also considered section 40(2) of FOIA to apply to a very small amount of information, namely the identifies of certain individuals. Based on the Cabinet Office's submissions to him, the Commissioner understands such information to have been retained by the Cabinet Office and therefore he has considered the application of this exemption to such information.
53. Section 40(2) of FOIA provides that information is exempt from disclosure if it is the personal data of an individual other than the requester and where one of the conditions listed in section 40(3A)(3B) or 40(4A) is satisfied.
54. In this case the relevant condition is contained in section 40(3A)(a).<sup>5</sup> This applies where the disclosure of the information to any member of the public would contravene any of the principles relating to the processing of personal data ('the DP principles'), as set out in Article 5 of the UK General Data Protection Regulation ('UK GDPR').
55. The Cabinet Office argued that it could not see any legitimate interest in the disclosure of the identities of the named individuals withheld on the basis of section 40(2) and it contended that the interests and rights of those individuals should be upheld. In its view the reasonable expectations of the individuals is that their identities would not be put into the public domain.
56. The Commissioner agrees with the Cabinet Office's assessment, namely that the individuals in question would not expect their identifies to be disclosed, and nor would doing so contribute to any legitimate interest. The Commissioner cannot elaborate on this finding without compromising the content of the information which has been withheld. However, he is satisfied that disclosure of the names would not be lawful and therefore article 6(1)(f) of the UK GDPR is not met. Disclosure of such information would therefore breach the first data protection principle and thus such information is exempt from disclosure on the basis of section 40(2) of FOIA.

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<sup>5</sup> As amended by Schedule 19 Paragraph 58(3) DPA.

## Summary of findings

57. The Commissioner's decision in relation to each of the files is set out at paragraph 2 this notice, but he has repeated this summary of findings for clarity here:
- In relation to MISC 13(01), the Cabinet Office did not hold this file at the date of the complainant's request for it and therefore section 22(1) does not apply to any parts of the file. The only exception to this is in relation to the parts of the file retained by the Cabinet Office which are exempt on the basis of sections 23(1) and 24(1), applied in the alternative, or section 40(2).
  - In relation to MISC 13(02), the Cabinet Office did not hold this file at the date of the complainant's request for it. The only exception to this is in relation to the parts of the file retained by the Cabinet Office which are exempt on the basis of sections 23(1) and 24(1), applied in the alternative.
  - In relation to MISC 13(03), the Cabinet Office held the entirety of this file at the date of the complainant's request for it. The Commissioner accepts that the file was exempt from disclosure on the basis section 22(1) and the public interest favours maintaining the exemption. The only exception to this is in relation to the parts of the file retained by the Cabinet Office which are exempt on the basis of sections 23(1) and 24(1), applied in the alternative.

## Other matters

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58. The Commissioner appreciates that the complainant may be frustrated at the outcome of this decision notice.
59. The Commissioner considers there to have been a lack of clarity on the part of the Cabinet Office when it processed these requests as to the status of the files and its obligations under FOIA in respect of each them. In the Commissioner's view this is evidenced by its blanket application of section 31 to each file, before its belated application of section 22(1) to two of the files (save for the section 23/section 24 material) and its belated confirmation that in relation to one of the files that (again, save for the section 23/section 24 material) it did not actually hold the file at the time of the request.
60. Given his findings in the decision notice, the Commissioner does not require any steps to be taken by the Cabinet Office. However, for clarity – and simply to assist the complainant – he notes the following as of the date of this notice:

61. In respect of MISC 13(01), save for the retained material, this file is available to view at TNA.<sup>6</sup>
62. In respect of MISC 13(02), save for the retained material, this file is open at TNA albeit the Commissioner notes that TNA's website states that "This record is temporarily unavailable to order. We are currently moving this record. Please contact us for information on when it will be available." The Commissioner would encourage the complainant to contact TNA.<sup>7</sup>
63. In respect of MISC 13(03), he notes the Cabinet Office's intention that pending the outcome of his request / appeal process, this file (save for the retained material) will be transferred to TNA by the end of 2024.

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<sup>6</sup> <https://discovery.nationalarchives.gov.uk/details/r/C17970841>

<sup>7</sup> <https://discovery.nationalarchives.gov.uk/details/r/C18251853>

## **Right of appeal**

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64. 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)

65. 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.
66. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Jonathan Slee**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

## **Annex**

### **Cabinet Office submissions**

Information provided by Cabinet Office to the Commissioner regarding relevant background information and a timeline of events in respect of the requested files:

#### **"Background information**

The Ministerial Committee on Animal Rights Activists (later the Ministerial Committee on Animal Rights Extremism and referred to hereafter as 'the Committee') was a sub-committee of the Cabinet.

Records of its meetings between 2001 and 2003 are listed on The National Archives's (TNA) online catalogue, Discovery, under references CAB 130/1575 (MISC 13(01)), CAB 130/1588 (MISC 13(02)) and CAB 130/1604 (MISC 13(03)).

MISC 13(01) was opened on 31 October 2023, although parts were retained in accordance with the Public Records Act 1958 (PRA 1958).

MISC 13(02) was opened on 19 July 2023, although parts were retained in accordance with the PRA 1958. It was temporarily unavailable for public access under the PRA 1958 subsequent to the request.

MISC 13(03) is due to be transferred by the Cabinet Office to TNA under the PRA 1958.

#### **Timeline of events**

19 July 2023 - MISC 13(02) opened (subject to the retention of some information)

20 July 2023 - request (FOI2023/08822 - IC-289644-X2Z5) for MISC 13(02)

20 July 2023 - request (FOI2023/08850 - IC-293051-J4R8) for MISC 13(03)

8 August 2023 - request (FOI2023/09515 - IC-289635-G0L6) for MISC 13(01)

17 August 2023 - received MISC 13(02) which had been recalled from TNA to be re-reviewed

25 September 2023 - MISC 13(01) re-reviewed at TNA by a Cabinet Office sensitivity reviewer

31 October 2023 - MISC 13(01) opened (subject to the retention of some information)

1 November 2023 - response to FOI2023/09515 (MISC 13(01))

13 November 2023 - response to FOI2023/08822 (MISC 13(02)) and FOI2023/08850 (MISC 13(03))"



**Chronology of requests**

<p><b>ICO ref IC-289635-G0L6 / CO refs FOI2023/09515 &amp; IR2023/12750</b></p>	<p><b>ICO ref IC-289644-X2Z5 / CO refs FOI2023/08822 &amp; IR2023/13230</b></p>	<p><b>ICO ref IC-293051-J4R8 / CO refs FOI2023/08850 &amp; IR2023/13252</b></p>
<p>Request submitted on 8/8/23:</p> <p>“I wish to confine the scope of the request to part 1 of the original request to meet the cost limit. 1. A PDF copy of the complete file that is listed in the National Archives as: "Ministerial Group on Animal Rights Activists: meetings 1-3, papers 1-13 Date:( 2001 Apr 30 - 2001) Former reference in its original department: MISC 13 (01)”</p>	<p>Request submitted 20/7/23:</p> <p>“The National Archives has listed the following file that was released yesterday but it "cannot be ordered." No further information is given. ... Ministerial Group on Animal Rights Activists: meeting 1, papers 1-7 This record is not available to order. More information may be available in the catalogue description. Reference: CAB 130/1588 Description: Ministerial Group on Animal Rights Activists: meeting 1, papers 1-7 Date: 2002 Sept 17 - 2002 Nov 25 Held by: The National Archives, Kew Former reference in its original department: MISC13(02) Legal status: Public Record(s) Closure status: Open Document, Open Description Access conditions: Open on Transfer Record opening date: 19 July 2023 REQUEST FOR INFORMATION Please</p>	<p>Request submitted on 20/07/23:</p> <p>“In addition to this FOIA request please also provide a PDF copy of this file listed in the National Archives archives Catalogue description Ministerial Committee on Animal Rights Activists: meeting 1, papers 18 This record is closed and retained by Cabinet Office Reference: CAB 130/1604 Description: Ministerial Committee on Animal Rights Activists: meeting 1, papers 18 Date: 2003 Mar 6 - 2003 Aug 7 Held by: Creating government department or its successor, not available at The National Archives Former reference in its original department: MISC 13 (03) Legal status: Public Record(s) Closure status: Closed Or Retained Document, Open Description Access conditions: Temporarily Retained by Department”</p>



	provide a PDF copy of the entire file including the cover.”	
Public interest test (PIT) extension letters issued on 6/9/23 & 4/10/23 citing section 24(1).	PIT extension letters issued on 18/8/23, 18/9/23 & 18/10/23 citing section 24(1).	PIT extension letters issued on 18/8/23, 18/9/23 & 18/10/23 citing section 24(1)
Refusal notice issued on 1/11/23. Sections 23(1) and 24(1) cited in alternative, and sections 31(1)(a)-(c).	Refusal notice issued on 13/11/23. Sections 23(1) and 24(1) cited in alternative, and sections 31(1)(a)-(c).	Refusal notice issued on 13/11/23. Sections 23(1) and 24(1) cited in alternative, and sections 31(1)(a)-(c).
Request for internal review submitted on 1/11/23.	Request for internal review submitted on 13/11/23.	Request for internal review submitted on 13/11/23.
Internal review issued on 22/1/24 upholding application of exemptions.	Internal review issued on 1/2/24 upholding application of exemptions.	Internal review issued on 5/1/24 upholding application of exemptions.