

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

### **Decision notice**

**Date:** 25 July 2023

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

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

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1. The complainant has requested minutes of a meeting concerning the awarding of the Arctic Star military campaign medal.
2. The Commissioner's decision is that section 37(1)(b) is engaged to the entirety of the withheld information but that the balance of the public interest favours disclosure of the information.
3. The Commissioner requires that the Cabinet Office take the following step to ensure compliance with the legislation.
  - Disclose the withheld information within scope of the request to the complainant.
4. The Cabinet Office must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court, pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Background

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5. The Committee on the Grant of Honours Decorations and Medals (HD Committee) is the principal body with responsibility for making recommendations on honours, awards, and medals<sup>1</sup>.
6. The independent Advisory Military Sub-Committee (AMSC) offers advice to the HD Committee on historic military medals claims, including cases which may not have been previously considered or where new evidence has emerged.
7. On 19 December 2012, it was announced that the Arctic Star military campaign medal would be awarded to British Commonwealth forces who served on the Arctic Convoys north of the Arctic Circle during the Second World War<sup>2</sup>.

## Request and response

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8. On 3 October 2021, the complainant wrote to the Cabinet Office and requested information by saying as follows:

“There was a meeting of the 2012 AMSC held on 5 December 2012 which made recommendations for further consideration by HDC of a number of Medal Submissions.

The then Prime Minister Mr David Cameron announced in parliament on 19 December 2012, that a medal had been recommended by Sir John Holmes in respect of the Arctic Convoy Veterans and that an Arctic Convoy Star would be issued to those veterans in due course.

1. Would you please confirm whether or not an HDC Committee meeting was carried out between 5 December 2012 and 19 December 2012 to consider the recommendation for an award of the Arctic Convoy Star and if so, when did this meeting take place, which members of the HDC

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<sup>1</sup> [Advisory-Military-Sub-Committee-Terms-of-Reference-2019-1-1.pdf \(publishing.service.gov.uk\)](#)

<sup>2</sup> [\[ARCHIVED CONTENT\] Arctic Star and Bomber Command Clasp \(nationalarchives.gov.uk\)](#)

were present and were any other medal recommendations considered at that meeting.

2. Would you please be kind enough to provide me with a set of Minutes of that Meeting in electronic format.
9. On 22 November 2021, the Cabinet Office responded. It provided some information within the scope of the request but refused to provide the remainder. It cited the following exemption as its basis for doing so:
  - Section 37(1)(b)
10. Following an internal review the Cabinet Office wrote to the complainant on 17 December 2021. It stated that it upheld its original decision.

### **Scope of the case**

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11. The complainant contacted the Commissioner on 19 December 2021 to complain about the way his request for information had been handled.
12. The Commissioner considers he has to determine whether the Cabinet Office was entitled to withhold parts of the requested information from the complainant.

### **Reasons for decision**

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13. Section 37(1)(b) states that information is exempt if it relates to the conferring by the Crown of any honour or dignity.
14. The request specifically seeks the minutes of the meeting "of the AMSC held on 5 December 2012 which made recommendations for further consideration by HDC of a number of Medal Submissions". 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.
15. 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.

#### Cabinet Office's Submissions

16. It notes "the importance of confidentiality as a characteristic of the honours system and the necessity that those involved in the determination of applications for retrospective medallic recognition should be able to express views on the merits of such applications without the undue concern that such views would be prematurely disclosed into the public domain. The premature disclosure of minutes of HD Committee meetings would erode that confidentiality and undermine the confidence that people have in the honours system, including the particular regard which is had for the process for giving medallic recognition for past service".
17. It also emphasises "the sensitivity that surrounds the subject of medallic recognition. Those who submit applications that previous service be granted recognition by way of a particular form of recognition (whether a new honour/medal, or the extension of an existing one) do so with strongly held views about the worthiness of such an application".
18. It is a truism that the hard boundaries between service which may receive medallic recognition and that which does not means that some groups will be left disappointed that their service falls outside the eligibility.
19. The threshold for securing retrospective medallic recognition is a high one. Fairness and consistency are, as the Military Medals Review phrased it, 'constant and crucial issues'. The Review went on to note (at paragraph 12) that transparency of process was important but that:  
  
`...the campaigns also raise a more philosophical issue... Many we spoke to who were not campaigners took the view that we should not try to substitute our contemporary judgement for the judgement of those in charge at the time. We bring a different set of attitudes and sensitivities to those prevalent when the decisions were taken, cannot know or understand the context in which they were operating at the time, or all the considerations and knowledge they had in their minds. We should not therefore second-guess them, armed with hindsight'.<sup>3</sup>
20. It is such considerations that the HD Committee must have in mind, and it therefore often falls to members of the HD Committee to express frankly held opinions about the merits of applications which may, if published, be the unnecessary cause of dismay.

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<sup>3</sup> [Medals-Interim-Report-July-12.pdf \(publishing.service.gov.uk\)](#)

### Commissioner's Reasonings

21. The disclosure of the withheld information in this case would enhance public understanding of how the creation of the Arctic Star medal came about.
22. The Commissioner's view is that there is a strong public interest in openness and transparency about matters relating to the nature and extent of the deliberation process in relation to the conferring of an honour or dignity. However, this has to be balanced against 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 discuss the issues freely and frankly that are at hand.
23. Whilst the Commissioner very much agrees with the Cabinet Office's submissions in paragraph 16 above, he does not agree that in this case that now releasing the withheld information would be a "premature disclosure of minutes of HD Committee".
24. The withheld information was generated some nine years before the complainant's request for the information. The issue, which is the subject of the withheld information, was resolved and laid to rest by the government announcing the awarding of the Arctic Star in December 2012.
25. More generally, there has been a sufficient passing of time, in this matter, to assuage the fear that releasing the information would generally erode the honours system. Civil servants and other public officials are expected to be impartial and robust in meeting their responsibilities, and not easily deterred from expressing their views by the possibility of future disclosure. The exemption is not an absolute one, having the public interest component means that there is always the possibility of disclosure.
26. In balancing the public interest factors the Commissioner has concluded that the public interest does not favour maintaining the exemption. He has reached this conclusion given his view that disclosure of the withheld information in this particular case would not undermine the future confidentiality of the AMSC process and as set out above. Accordingly, the Commissioner finds the Cabinet Office's reliance on section 37(1)(b) was incorrect and that the withheld information should be provided to the complainant.

## Right of appeal

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27. 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)

28. 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.
29. 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 .....**

**Gerrard Tracey  
Principal Adviser FOI  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**