

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

### **Decision notice**

**Date:** 6 January 2025

**Public Authority:** The Executive Office (Northern Ireland)  
**Address:** Castle Buildings  
Stormont Estate  
Belfast  
BT4 3SR

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

---

1. The complainant has requested, from The Executive Office (Northern Ireland) (TEO), information relating to the King's Birthday Honours List 2023. TEO confirmed holding relevant recorded information, but refused to disclose it, on the basis of section 37(1)(b) of FOIA (the conferring by the Crown of any honour or dignity).
2. The Commissioner's decision is that TEO was correct to refuse to disclose the withheld information, on the basis of section 37(1)(b).
3. The Commissioner doesn't require any steps.

#### **Request and response**

---

4. On 4 April 2024, the complainant wrote to TEO and requested information in the following terms:

"... in June 2023 the leaders or Chairpersons of various victims and survivors group [sic] received awards in the King's Birthday Honours ... confirm if your office and any of its staff proposed any of the individuals who received an award in the Kings Honours or alternatively, please confirm if you were aware that [organisation

- redacted] and its membership had not been nominated as part of this process ...”.
5. TEO responded on 30 April 2024. It stated “TEO does hold some recorded information relevant to your request”, and explained that it was withholding that information, on the basis of section 37(1)(b).
  6. The complainant sought an internal review on 29 May 2024, in which they stated that they “now request under [FOIA] the ‘Recorded Information’ held by [TEO] on the issue of the King’s Birthday Honours Awards 2023”, regarding certain nominations. The nature of the request therefore changed – the complainant was seeking the recorded information that TEO had confirmed holding, not simply the confirmation originally requested.
  7. The complainant added that they:

“do not request any personal details of individuals nominated, or individual members of the assessment committees, but only what is necessary to demonstrate if any person from the TEO or other Civil Service officials / departments (past or present) nominated individuals for a King’s Birthday Honours Award 2023”.
  8. Following an internal review, TEO wrote to the complainant on 19 June 2024, upholding the application of section 37(1)(b).

### **Scope of the case**

---

9. The complainant contacted the Commissioner on 7 August 2024 to complain about the way their request for information had been handled.
10. They alleged that TEO is “intentionally withholding information that could demonstrate direct or indirect discrimination against one group”.
11. The complainant’s correspondence of 7 August 2024 indicates that the complainant wants to discover whether “anyone from [TEO] or Senior civil servant” (sic) nominated certain individuals, in relation to the King’s Birthday Honours List 2023.
12. They also feel that TEO is ‘blinding them’ with “the science of jargonistic civil service language and alleged protocol and legal processes”.

13. They asked the Commissioner to investigate their complaint.
14. The Commissioner considers that the scope of this case is to decide whether TEO was correct to refuse to disclose the information it holds – ie the information the complainant said they were requesting, at internal review stage – on the basis of section 37(1)(b).

## **Reasons for decision**

---

15. Section 37(1)(b) of FOIA provides an exemption for information relating to the conferring of any honour or dignity by the Crown.
16. The exemption is class-based, so it's not necessary to demonstrate prejudice to engage the exemption; however, it's a qualified exemption, so it's subject to a public interest test.
17. The exemption preserves the integrity and robustness of the honours system; it's also important in protecting the confidentiality of individuals who've participated in the honours process.
18. As the Commissioner's guidance<sup>1</sup> states, the term 'relates to' should be interpreted broadly. This means that the exemption covers every aspect of the honours process.
19. The guidance lists examples of the types of information covered by the exemption. They include lists of nominees; discussions around the merits and achievements of nominees; and third-party submissions regarding the suitability of candidates. TEO referenced those examples, in its internal review response.
20. The Commissioner notes that the request sought information relating to nominations, and the conferring of honours or dignities by the Crown.

---

<sup>1</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/communications-with-his-majesty-and-the-awarding-of-honours-section-37/#apply>

21. The Commissioner also draws the reader's attention to his decision notice<sup>2</sup> in IC-282364-T0J8. That case involved a similar request – the complainant in IC-282364-T0J8 stated they particularly wanted to know which individual **or organisation** nominated a named person for an award (see the first paragraph of that request, quoted in paragraph 4 of that decision notice).
22. The decision notice in IC-282364-T0J8 agreed with the public authority's application of section 37(1)(b).
23. The Commissioner is satisfied that, in the present case, section 37(1)(b) is engaged. Clearly the request seeks information relating to the conferring of honours by the Crown in 2023, to named individuals.

### **Public interest test**

24. TEO acknowledged public interest in favour of disclosing the withheld information, including that disclosure may improve public understanding of issues around the awarding of honours.
25. However, against disclosure, TEO listed considerations like protecting the personal details of candidates; ensuring that those asked for information about candidates can provide information in confidence, helping to ensure the robustness of the honours system; and argued that disclosure would discourage future nominations and the sharing of information, for fear of personal information and sensitive opinions and knowledge being in the public domain. TEO also noted the risk of disclosure inhibiting the work of honours or dignities assessment committees, by causing undue pressure on those sitting on committees.
26. As noted in paragraph 10 above, the complainant believes that the withheld information could show discrimination against an organisation.
27. The Commissioner has carefully considered the arguments of both parties, and agrees with TEO that the public interest favours maintaining the exemption in this case.

---

<sup>2</sup> <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4031467/ic-282364-t0j8.pdf>

28. The Commissioner recognises a general public interest in having an honours system that is objective, accountable and transparent.
29. If the public can see how the process works, they are more likely to have confidence that honours are conferred on merit. It also helps to reassure the public that the relevant decision-makers aren't subject to any form of undue influence.
30. The Commissioner also notes that the complainant is concerned about discrimination.
31. However, the Commissioner hasn't given significant weight to the complainant's comments in that regard. Whilst the complainant is concerned about discrimination, the Commissioner hasn't seen any other, wider information or evidence (eg following internet searches) relating to such a concern in connection with the King's Birthday Honours List 2023 and the awards referenced by the complainant.
32. Against disclosure, the Commissioner emphasises the points he made in paragraphs 22 and 23 of his decision notice in IC-282364-T0J8. In those paragraphs he noted that for the honours system to operate efficiently and effectively, there needs to be a level of confidentiality, enabling the free and frank discussion of nominations; that if views and opinions provided in confidence were subsequently disclosed, it's likely that those asked to make similar contributions in the future may be reluctant to do so or would make a less candid contribution; and that disclosure of information would erode this confidentiality, thereby damaging the effectiveness of the system, which would not be in the public interest.
33. On balance, in all the circumstances of this case, the Commissioner therefore finds that TEO was correct to rely on section 37(1)(b) of FOIA.

## Right of appeal

---

34. 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)

35. 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.
36. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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