



HOUSE OF COMMONS
LONDON SW1A 0AA

The Cabinet Secretary
Cabinet Office
70 Whitehall
London SW1A 2AS

11 March 2024

Dear Mr Case,

I hope this finds you well, and I am sorry to trouble you at what I know is a busy time, but I hope that you can pass this letter onto the appropriate individual to respond.

I am writing to raise concerns about the way that the Cabinet Office handled the publication of the response to an FOI request from me (Reference 0I2023/06755) regarding the catering costs incurred on a number of ministerial flights on the G-GBNI government plane, provided under the Command Support Air Transport contract with CTM (North).

The original FOI request which triggered this response was submitted more than a year ago, and the hard-working FOI Unit at the Cabinet Office have been extending the due date for a response one month at a time since the start of July last year. I say that to illustrate that this was a response for which I have been waiting a long time, and on which there had been a great deal of back and forth between the FOI Unit and me about the cause of the delay.

I was therefore very grateful finally to receive a substantive response to my FOI request at 5.01pm on Budget Day last Wednesday (6th March). But I was very surprised, and not a little concerned, when my office received a message the following morning from the Politico news team asking (a) whether the in-flight catering FOI had come from me, and (b) if I wanted to make a comment for the resulting news story they were writing for 'Playbook PM'.

Obviously, for some departments, it is standard practice to publish their FOI responses on their websites soon after they have been sent to the requesters in each case, and I am aware that departments will often share certain high-profile FOI responses with the media at the point when they are sent out, in the interests of transparent and accurate reporting. I have no issue with either of those long-standing and perfectly legitimate practices.

However, on further investigation, it became clear that – in this instance – Politico were provided with the response to my FOI request **at least half an hour before** it was emailed to my Parliamentary inbox, and as I understand it, they were encouraged to report its contents in the 'Playbook PM' bulletin which was subsequently published at 5.13pm on Budget Day.

I am informed that Politico only chose not to publish the FOI response at the suggested time because they (a) had an understandably busy agenda of items to cover in that edition of 'Playbook PM', and (b) recognised my phraseology in the FOI request, and wanted to give me an opportunity to offer a comment in response to its contents.

My questions are therefore as follows:

1. Is it now standard practice for the Cabinet Office to share FOI responses with the media before they have even been sent to the individual or organisation who submitted the request, and if that is not standard practice, is there an explanation for why it happened in this particular instance, and how that decision was taken?; and
2. If any special advisers were involved in either sending the FOI response to Politico, or instructing it to be sent, which section of the current Code of Conduct for Special Advisers (01/12/23) or the latest Cross Government Guidance on FOI and the Role of Special Advisers (14/12/23) gave them the authority to take that action?

As I said earlier, I recognise that you may need to pass these questions on to someone with more direct responsibility in this area to look into, and to that end, I am copying this letter to Alex Chisholm, Alex Aiken and Nicholas Howard, but I thought at the very least that you would want to be aware of what had happened in this instance, and whether those responsible are considered to have operated in line with their guidance.

I am also copying this letter to Warren Seddon from the Information Commissioner's Office.

I look forward to hearing from you or one of your colleagues.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Emily Thornberry', written in a cursive style.

Rt Hon Emily Thornberry MP

Shadow Attorney General