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Neil Riddell
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FOI Reference: FOI321170
26/06/2015

Dear Neil Riddell

I refer to your request where you asked:

"I am writing seeking answers to the following questions regarding the Cabinet Office's investigation into the leaking of a memo relating to Nicola Sturgeon's meeting with the French ambassador earlier this year. The Cabinet Office's media team refused to answer these questions, so I request that you consider this as a Freedom of Information request.

- 1- When did the inquiry about the leaking of the memo commence?
- 2- How many people were asked to respond to the inquiry?
- 3- What date were they asked to respond to questions surrounding the leaked memo?
- 4- On what date(s) did the inquiry receive its replies?
- 5- Did Alistair Carmichael and his special adviser Euan Roddin inform the inquiry that they were behind the leaked memo prior to the 7 May election?
- 6- Why was it not possible to publish the outcome of the inquiry until 22 May, two weeks after the general election?
- 7- If there were delays in getting a response from anyone involved, what reasons were given for the delay?
- 8- Did the general election campaign have anything to do with the delay in completing the inquiry?
- 9- How much public money did the inquiry cost?"

I am writing to advise you that following a search of our paper and electronic records, I have established that some of the information you requested is held by the Cabinet Office.

Question 1

Information you have requested is exempt under section 21(1) of the Freedom of Information Act. Section 21 exempts information if this information is reasonably accessible to the applicant by other means. Section 21 is an absolute exemption and the Cabinet Office is not required to consider whether the public interest favours disclosure of this information.

Under section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you. The information that you have requested is available on the GOV.UK website via the following link:

<https://www.gov.uk/government/news/cabinet-secretarys-statement-scotland-office-memo-leak-enquiry>.

Questions 2-8

Information relating to the investigation is exempt under Section 31(1)(g), - the exercise by any public authority of its functions for any of the purposes specified in s.31(2)(b), - the purpose of ascertaining whether any person is responsible for any conduct which is

improper. The information contains details about the leak investigation which would assist a person to avoid detection in the future. The release of information following a Government led leak investigation would seriously impact on future investigations. These investigations rely on staff to participate and cooperate in the process. Staff are requested to speak freely and openly about the all aspects of the leaked material and do so with the understanding that this will be kept in confidence. This exemption is a qualified exemption and whether the balance of the public interest favours releasing or withholding this information. There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. I also recognise a public interest in assuring the public that effective arrangements are in place for the prevention and detection of any conduct that is improper. I have weighed these public interests against a strong public interest in the prevention, detection and ability to investigate future acts of improper conduct. Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information.

Question 9

Information on the cost of the investigation is not held. Under Section 21 I would like to bring to your attention the answer to a written question available on the parliament.uk website via the following link: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&questiontype=AllQuestions&house=commons&uin=861>.

If you have any queries about this letter, please contact the FOI team. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Roger Smethurst
Head of Knowledge and Information Management
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

email: foi-team@cabinetoffice.gov.uk

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. B. C.', written in a cursive style.

**FOI Team
Cabinet Office**