

Witness Name: Brian Williams
Statement No.: WITN6941001
Exhibits: WITN6941002-WITN6941003
Dated: 3 November 2021

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF BRIAN WILLIAMS

I provide this statement in response to the request under Rule 9 of the Inquiry Rules 2006 dated 29 September 2021.

I, Brian Edward Williams, Head of the Cabinet Office Inquiries Sponsor Team, Cabinet Office, 70 Whitehall, London SW1A 2AS, will say as follows: -

Section 1: Introduction

1. I provide this statement in my capacity as the head of the Cabinet Office Inquiries Sponsor Team.
2. I have been a civil servant since 1983, first in the Foreign and Commonwealth Office and then, from 1989 to the present, in the Cabinet Office, in a variety of roles. From 2011 – 2016, I was the lead sponsor official for the Iraq Inquiry. Since July 2017, I have headed the Cabinet Office inquiries sponsor team.
3. The contents of this statement are within my own knowledge except where I state otherwise and are true to the best of my knowledge and belief. Where matters are not directly within my knowledge, they are true to the best of my knowledge, information and belief and the source of the information is stated.

4. In preparing this statement, and to ensure my understanding was correct, I sought advice from the Cabinet Office Freedom of Information (FOI) and Transparency Data Team. Paragraphs 7 – 14 of this statement reflect the advice of the FOI and Transparency Team.

Section 2: Response to criticisms by W1210

5. At the Inquiry's hearing on 11 June, Jason Evans gave evidence about his experience submitting requests under the Freedom of Information Act 2000. The Cabinet Office would like to provide clarification about two specific areas on which the witness gave evidence; the role and function of the Cabinet Office Clearing House, and the purpose of the 'round robin list'.

The Freedom of Information Act 2000

6. The Freedom of Information Act 2000 is a statutory regime on access to legislation. Parliament legislated for a series of absolute exemptions against disclosure, and qualified exemptions (based on a public interest test). There are also provisions on how requests above a specific cost limit do not need to be disclosed. All requests are considered with due process and consideration in line with the appropriate legal tests.

The Clearing House function

7. The Cabinet Office plays a vital role in ensuring compliance with the Freedom of Information Act across Government.
8. The Clearing House function was established in 2004 and has operated in different forms since the Freedom of Information Act came into force in January 2005. Since then, the Clearing House has been referenced in various parliamentary reports, statements and questions, as well as academic works. (See for example the Chancellor of the Duchy of Lancaster's letter of 18 March 2021 to the Chair of the Society of Editors, which explains the history and

function of the Clearing House - Exhibit WITN6941002). Its purpose and remit have not changed. In 2015 Freedom of Information (FOI) Policy moved from the Ministry of Justice to the Cabinet Office.

9. These coordination functions remain in place and are carried out by a small number of staff members, who have a range of wider responsibilities. They extend to ministerial and non-ministerial departments; non-departmental public bodies are not normally covered, although it may be that requests to those bodies are referred to the Cabinet Office through sponsor departments.
10. Areas which can lead to a referral may include where the information sought relates to national security matters, the Royal Household (where specific exemptions apply within legislation), significant live policy development and/or implementation issues and 'round robins' (i.e. those requests made to more than one department that have repeat characteristics and where it is important to ensure requesters receive a consistent and coherent approach to requests). The criteria for referral are set out in Cabinet Office FOI Referral Criteria (exhibit WITN6941003).
11. The Cabinet Office circulates to departments a list of such requests (sometimes referred to as 'the round robin list'). In his evidence, Mr Evans suggested that the "round robin list" might be a 'blacklist' of named individuals. This is not the case – no such 'blacklist' exists. He goes on to say that, "...what this shows is that the applicant blind process is not being followed". The round robin list does use the name of the requestor to help identify the request, in line with guidance produced by the Information Commissioner; each department will have their own reference numbers, so the name is used to practically help with the multiple requests being grouped in a table. The identity of the requestor is not a material consideration and the occupation of the requestor is not included in the list. Authorities should consider FOI and EIR requests without reference to the identity or motives of the requester, except in some limited circumstances, for

example where requests are repeated or considered vexatious, as defined by section 14 of the Act.¹

12. As set out in the ICO guidance², the focus should be on whether the information is suitable for disclosure to the world at large, rather than the uses to which the individual requester may put the information. It does not mean that the public authority should anonymise requests while processing them, nor does it mean that the public authority should not prepare suitably for any consequences arising from the release of information, for example, by preparing press lines once the decision has been taken to release the material.
13. The Cabinet Office provides advice, and does not direct departments on how to respond to individual FOI cases. Each request is considered on its merits; but where the same request is made to different departments, it is reasonable that departments apply a consistent and fair approach in considering the statutory exemptions. It would appear irrational to the public that one department would give out the information, but another department refused. All FOI requests are treated exactly the same, regardless of who the request is from, and their occupation. It would be unlawful for the Cabinet Office, or any other public authority, to blacklist enquiries from journalists or other requestors. The Cabinet Office has robust processes in place to ensure that the handling of FOI requests comply with the UK General Data Protection Regulation and the Data Protection Act 2018. All requests are considered applicant-blind.

¹ **14 Vexatious or repeated requests.**

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

(2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

² <https://ico.org.uk/media/for-organisations/documents/1043418/consideration-of-the-identity-or-motives-of-the-applicant.pdf>

14. Notwithstanding, the Government is conscious of the recent controversies in the media and public misconceptions around the Clearing House, and have committed to undertake an internal assessment of its role; this is to identify if or where guidance might be improved or clarified and to support best practice across all Government departments.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed GRO-C

Dated 03/11/2021

Table of exhibits:

Date	Notes/ Description	Exhibit number
2021/03/18	Letter, Chancellor of the Duchy of Lancaster to Chair of the Society of Editors	WITN6941002
March 2021	Cabinet Office Referral Criteria	WITN6941003

