

SECRET

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FILE TITLE: POLICY		SERIES FREEDOM OF INFORMATION
		PART: 9
PART BEGINS: 12 6 January 2005	PART ENDS: 24 February 2005	CAB ONE:

PREM 49 / 4101

LABOUR ADMINISTRATION

PART 9 CLOSED

24.2.05

SECRET

Series : FREEDOM OF INFORMATION

File Title : POLICY

Part : 9

Date	From	To	Subject	Class	Secret
12/01/2005	MOD	SS/DEFRA	FOI request for release of Nirex site information	R	
13/01/2005	PUS/HO		Baroness Ashton - FOI Working assumptions third Tranche	U	
13/01/2005	PD(DT)	Cab Off	Liam Clarke FOI Request	S	7
14/01/2005	SS/DES	pus/DCA	Freedom of Information - Publication of FOI Releases	U	
17/01/2005	SOC	PM	Freedom of information and cabinet and committees	U	
17/01/2005	ss/defra	pus/DCA	Freedom of Information - Publication of FOI Releases	U	
17/01/2005	SS/DCA	PM	Freedom of Information act	R	
19/01/2005		PM	From Margaret Thatcher: release of text of telegram to President Re	U	
25/01/2005	Cab Off		Freedom of Information. Note of the officials' meeting on Monday 24	R	
25/01/2005	ss/dti	PM	Approach to handling requests under the Freedom of Information Act	U	
28/01/2005	PPS	SOC	FOI Machinery	C	
28/01/2005	HOL	SS/DCA	FOI and Ministerial Diaries	R	
31/01/2005	pus/DCA	SS/DCA	Freedom of Information Publication of FOI releases	U	
31/01/2005	DPM	SS/WAP	Proposal to release the Health & Safety Commission's formal advice	U	
04/02/2005	DCA	SS/DCA	FOI Memorandum of understanding	U	
04/02/2005		PM	From Margaret Thatcher re ODPM release of papers	U	
07/02/2005	ss/dti	SS/DCA	Governments response to the CASC report on implementation of FO	U	
07/02/2005	SS/DCA	PM	Freedom of Information - Ministerial Diaries	R	
09/02/2005	SS/DCA		Baroness Ashton government response to the CASC report on imple	U	
09/02/2005	ms/cabinet office	pus/DCA	Freedom of Information Memorandum of Understanding	U	
09/02/2005	ss/dti	SS/DCA	Freedom of Information Act Memorandum of Understanding	U	
11/02/2005	ms/ODPM	SS/DCA	Freedom of Information Memorandum of Understanding	U	
11/02/2005	PD(DT)	chief of staff	Michael Howard: FOI Requests	C	
14/02/2005	PD(AB)	PPS	Royal FOI requests	R	
14/02/2005	MOD		Baroness Ashton - Management of appeals	U	
14/02/2005	DCA		to Baroness Ashton - Freedom of information memorandum of under	U	
21/02/2005	PD(RB)		David Miliband FOI - news international	R	
22/02/2005	JIC	FA/PS	Handling proposal for freedom of information act request	U	
23/02/2005	PD(AB)	PM	Royal FOI Requests	R	
24/02/2005	FA/PS	Cab Off	Handling Proposal for Freedom of Information Act (FOIA) request - r	U	
24/02/2005	JIC/Head	fco	Request for the view of the Foreign Secretary on a Freedom of Infor	R	

Jp071

FROM: WILLIAM EHRMAN
x0360

DATE: 24 February 2005

PS/FOREIGN SECRETARY

cc: Sir N Sheinwald, No 10
David Hill, No 10

REQUEST FOR THE VIEW OF THE FOREIGN SECRETARY ON A FREEDOM OF INFORMATION ACT REQUEST RELATING TO THE IRAQ DOSSIER

Request that the Foreign Secretary, as a "qualified person" under the Freedom of Information Act, agree to a Cabinet Office proposal to refuse release of additional information relating to the Iraq dossier, on grounds that this would be prejudicial to the effective conduct of public affairs.

Background

1. The Cabinet Office has received a FOIA request relating to the Iraq dossier. The request asks for "drafts of the dossier preceding those that were published as part of the Hutton Inquiry" and for "correspondence between Alistair Campbell and the Chairman of the JIC and correspondence between Alistair Campbell and the JIC Secretary regarding this document". The request was also received in MoD and FCO.
2. Cabinet Office are taking the lead on round-robin Hutton and Butler related FOIA requests. We have received legal advice from DCA and Treasury Solicitors, with which FOIA representatives from Cabinet Office, MoD, FCO and SIS are content, that the information requested should be withheld, using Section 36(2) of the FOIA. The section 36 exemption covers information which if released would be prejudicial to the effective conduct of public affairs. Section 36 can only be used if, in the **reasonable view of a "qualified person"**, disclosure of the requested information would have one of the specified prejudicial effects. A qualified person for these purposes is a Minister of the Crown. A fuller consideration of the request, including the use of the exemption, is attached at annex A.

Recommendation

3. Given the subject of the request, only the Prime Minister or Foreign Secretary are suitable qualified persons in this case. I have agreed with Nigel

Sheinwald and David Hill that I should submit to the Foreign Secretary. Nigel and David are content with the recommendation. Is the Foreign Secretary?

Timing

4. The FOIA deadline for replying to this request is 10 March 2005.

W.G. Ehrman

WILLIAM EHRLMAN

FOIA CASE HANDLING NOTE

Reference: CO FOI/05/381

Request

'Having read your reply (J:\FOIA\CO FOI-05-50 Jon Manel draft reply final.doc), I would like to request some further information regarding the document entitled "Iraq's Weapons of Mass Destruction - The Assessment of the British Government (24th September 2002).

- i. Drafts of the dossier PRECEDING those that were published as part of the Hutton Inquiry.
- ii. Correspondence between Alistair Campbell and the Chairman of the JIC regarding this document.
- iii. Correspondence between Alistair Campbell and the JIC Secretary regarding this document.
- iv. The contents of the file on my previous request for information on this matter (i.e. the request originally sent on 4th January 2005)'.

Background

(attached)

1. This request was considered in the light of a reply to an earlier request for all drafts of the 'Iraq dossier'. The original reply stated that the dossier was commissioned on 3rd September 2002. Further to which we said that all drafts of that dossier after that date were published on the Hutton Inquiry website. We pointed the requestor to the website and therefore withheld the bulk of the information on the grounds that it was reasonably accessible by other means.
2. In providing our initial reply we addressed the question of other papers produced on Iraq WMD which fed into the paper 'Weapons of Mass Destruction - The Assessment of the British Government'. As both Hutton and Butler reported the final paper had its genesis in a four country paper produced by the Cabinet Office Assessment Staff in March 2002. That paper became a single country paper later in March 2002 as the focus of assessment fell on Iraq. The paper's content was updated periodically through the spring and summer of 2002. We took Lord Butler's line that the dossier was commissioned on 3rd September 2002 (para 314, p77) and therefore did not assess those earlier drafts for release when responding to the initial request.
3. We now have a second request for preceding drafts and an additional request for email correspondence (see above). The same request was also received in MOD and parts (i) and (iv) were

received in FCO. At a case handling meeting (attended by SIS, MOD, FCO, DCA and TSOL) the following approach was agreed for each part of the request and for each department:

4. Entering into further discussions about what exactly constituted the dossier would not be within the spirit of the act, and would probably be unsustainable under appeal. Nevertheless there remains a point to be made about exactly when the dossier came into being. Our reply should state that we are interpreting the new request to mean draft of earlier papers on Iraq which informed the drafting of the dossier.

Recommended release of information

5. No further information should be released. The information in earlier drafts not already on the Hutton website, and the correspondence (parts 2 and 3 of the request) relating to these drafts, should be withheld under s36 (2). The s36 exemption relates to prejudice to the effective conduct of public affairs. National security exemptions (s23 and s24) should be attached to specific pieces of information, where that is deemed applicable. Section 36 is applicable as it preserves the ability of officials to develop and discuss 'effective releases'¹ without inhibition. In particular it relates to the free and frank exchange of views for the purposes of deliberation and the free and frank provision of advice. The drafting process of the dossier and earlier papers was clearly conducted in such a way. Those elements already in the public domain clearly demonstrate that assertion.

Consideration of the Public Interest Balancing Test

6. The public interest test in relation to the use of s36 led us to conclude that, although there was an obvious and important public interest in viewing the process of producing the dossier, the preservation of the space within which the JIC community works in an uninhibited manner outweighed this interest. What adds weight to the argument to withhold is the confidential nature of the JIC's work and that of its customers. The release of material during Hutton and Butler does not undermine this conclusion. Specific public interest points were addressed by Lords Hutton and Butler in relation to the material they deemed necessary to release in meeting their statutory remits. These were one-off releases under sanction of the Government with very specific aims. They did not, nor should they be seen to, set a precedent in relation to FOIA requests for information held by ISS. Each FOIA request should be dealt with on a case by case basis, in accordance with the provisions of the act.

¹ DCA Working assumption on press releases and communications.

1 February 2005

Dear Mr Manel

Reference: CO FOI/05/50

Thank you for your request for all interim drafts of the document (or interim drafts of sections of the document) entitled, *Iraq's Weapons of Mass Destruction – The assessment of the British Government*, (24th September 2004). Your request was received on 4 January and I am dealing with it under the terms of the Freedom of Information Act 2000.

Under the Act, we are not required to provide information which is already reasonably accessible to you. The document entitled *Iraq's Weapons of Mass Destruction – The assessment of the British Government* was commissioned on 3rd September 2002 by the Prime Minister (Lord Butler of Brockwell's Review of Intelligence on Weapons of Mass Destruction page 76, paragraph 314 refers). The resulting drafts of that document were published as part of Lord Hutton's Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G (the Hutton Inquiry). The information you requested is available on the website of the Hutton Inquiry (www.the-hutton-inquiry.org.uk). The drafts can be found at appendices 9, 10, 11 and 12 of Lord Hutton's report. Certain information contained in those drafts was withheld from publication at the time Lord Hutton reported. That information is now withheld from release under sections 23(1) and 27. The Public Interest Balance Test has been applied to that information covered by section 27 and the balance of public interest lies in maintaining the exemption as disclosure would be likely to prejudice relations between the UK and another state. Beyond this, under section 17(4), we are not obliged to explain further why the public interest lies with maintaining the exemption, because to do so would reveal information that is itself exempt.

If you are unhappy with the decisions made in relation to your request from the Cabinet Office you may ask for an internal review. You should contact the Managing Director, quoting the reference number above:

Colin Balmer
Managing Director
Cabinet Office
70 Whitehall
London SW1A 2AS

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Most documents supplied in response to a Freedom of Information Act 2000 request will be subject to copyright protection. You are free to use these documents for your information, including for any non-commercial research you may be doing. Documents can also be used for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by the Cabinet Office will have been produced by government officials and so will be Crown copyright. Crown copyright is managed by HMSO and you can find out details on the arrangements for re-using Crown copyright on HMSOnline at www.hmso.gov.uk/copyright/licences/click-use-home.htm However, other documents may involve you contacting the person or organisation who produced the document for permission.

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

[Name, address, email address and telephone no of issuing officer]

From: Nigel Sheinwald
Date: 24 February 2005

WILLIAM EHRMAN

cc: David Hill
Daniel Thornton
Grace Cassy

**HANDLING PROPOSAL FOR FREEDOM OF INFORMATION ACT (FOIA)
REQUEST**

Thank you for your minute of 22 February. I agree that you should put this proposal to the Foreign Secretary. (NB An alternative would of course be David Miliband, but we agree you should consider the Foreign Secretary first).

Nigel Sheinwald

NIGEL SHEINWALD

JP

Jp062

FROM: WILLIAM EHRMAN
x0360

DATE: 22 February 2005

NIGEL SHEINWALD

cc: David Hill, No 10

cc JPS
AP
DT

1/ c cime

2/ GC

Advice re with DT -

inc on process: should we
for Sec review on a
No 10/CO matter?

HANDLING PROPOSAL FOR FREEDOM OF INFORMATION ACT (FOIA)
REQUEST

NTJ
22/ii

Request for your view on a Cabinet Office proposal to refuse release of additional information relating to the Iraq dossier, on grounds that this would be prejudicial to the effective conduct of public affairs. If you agree, I will put this proposal to the Foreign Secretary, since approval of a JS Minister is required for such a refusal.

NS

Background

'advised' on FOI
matters relating to JIC
before but has not yet
signed off an exemption 36.

1. The Cabinet Office has received a FOIA request relating to the Iraq dossier. The request asks for "drafts of the dossier preceding those that were published as part of the Hutton Inquiry" and for "correspondence between Alistair Campbell and the Chairman of the JIC and correspondence between Alistair Campbell and the JIC Secretary regarding this document". The request was also received in MoD and FCO.

He is likely
to accept this
proposed
handling -
David Miliband
(the obvious alternative)
would not.

2. Cabinet Office (ISS) are taking the lead on round-robin Hutton and Butler related FOIA requests. Following receipt of this request a joint handling meeting, attended by Cabinet Office, MoD, SIS, DCA and Treasury Solicitors was held to determine what reply should be given.

So WE shld
approach JS
on this - if
he won't sign, we'll
have to work on
Miliband.

3. We have received legal advice from DCA and Treasury Solicitor lawyers and agreed by FOIA representatives from Cabinet Office, MoD, FCO and SIS that the information requested should be withheld, using Section 36(2) of the FOIA. The section 36 exemption covers information which if released would be prejudicial to the effective conduct of public affairs. Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would have one of the specified prejudicial effects. A qualified person for these purposes is a Minister of the Crown. A fuller consideration of the request, including the use of the exemption, is attached at annex A.

It's clear we
should not
involve the PM

C.C
23/2

WEM

Recommendation

4. Given the subject of the request, only the Prime Minister and the Foreign Secretary could act as qualified persons in this case. I do not think that we should ask the Prime Minister to act as the qualified person. Do you agree to my approaching the Foreign Secretary with the above recommendation and the request that he approve it as the qualified person?

Timing

The FOIA deadline for replying to this request is 10 March 2005.

W.C. Ehrman

WILLIAM EHRLMAN

FOIA CASE HANDLING NOTE

Reference: CO FOI/05/381

Request

'Having read your reply (J:\FOIA\CO FOI-05-50 Jon Manel draft reply final.doc), I would like to request some further information regarding the document entitled "Iraq's Weapons of Mass Destruction - The Assessment of the British Government (24th September 2002).

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Background

1. (attached) This request was considered in the light of a reply to an earlier request for all drafts of the 'Iraq dossier'. The original reply stated that the dossier was commissioned on 3rd September 2002. Further to which we said that all drafts of that dossier after that date were published on the Hutton Inquiry website. We pointed the requestor to the website and therefore withheld the bulk of the information on the grounds that it was reasonably accessible by other means.
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London SW1A 2AS

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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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

[Name, address, email address and telephone no of issuing officer]

From: Adrian Brown
Date: 23 February 2005

PRIME MINISTER

cc: Jonathan Powell
Ivan Rogers
David Hill
Sally Morgan
Pat McFadden
Daniel Thornton
Paul Brown

ROYAL FOI REQUESTS

On Tuesday 1st March we will be releasing a selection of 'royal' documents under the Freedom of Information Act which are likely to generate significant media interest. The documents will be published on the Cabinet Office website in line with standard practice.

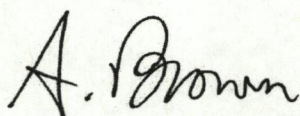
1) Death and funeral of Diana, Princess of Wales

We plan to release 60+ pages most of which relate to funeral planning and the French investigations. The Palace, FCO, DCMS, DCA and TSol are all happy for this information to be released. I see nothing embarrassing for us as it shows No 10 getting on with the job under unique and unexpected circumstances and much of the information is already in the public domain in one form or another.

2) Your attendance at the Queen Mother's funeral

You will recall the furore surrounding Clare Sumner's exchanges with Black Rod. At the time we released a 30 page dossier of documents in our defence. Under FoI we must now release the correspondence between Alastair Campbell and the editors of the offending newspapers. These are colourful and likely to generate comment. A simultaneous release with the Diana papers is our best option. Both Clare and Alastair have been consulted.

We are withholding a significant number of papers related to both these requests but believe we have no option but to release the rest of the papers.



ADRIAN BROWN

Jp062

FROM: WILLIAM EHRMAN
x0360

DATE: 22 February 2005

NIGEL SHEINWALD cc Jfo

cc: David Hill, No 10

AP
DT

HANDLING PROPOSAL FOR FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Request for your view on a Cabinet Office proposal to refuse release of additional information relating to the Iraq dossier, on grounds that this would be prejudicial to the effective conduct of public affairs. If you agree, I will put this proposal to the Foreign Secretary, since approval of a Minister is required for such a refusal.

Background

1. The Cabinet Office has received a FOIA request relating to the Iraq dossier. The request asks for "drafts of the dossier preceding those that were published as part of the Hutton Inquiry" and for "correspondence between Alistair Campbell and the Chairman of the JIC and correspondence between Alistair Campbell and the JIC Secretary regarding this document". The request was also received in MoD and FCO.
2. Cabinet Office (ISS) are taking the lead on round-robin Hutton and Butler related FOIA requests. Following receipt of this request a joint handling meeting, attended by Cabinet Office, MoD, SIS, DCA and Treasury Solicitors was held to determine what reply should be given.
3. We have received legal advice from DCA and Treasury Solicitor lawyers and agreed by FOIA representatives from Cabinet Office, MoD, FCO and SIS that the information requested should be withheld, using Section 36(2) of the FOIA. The section 36 exemption covers information which if released would be prejudicial to the effective conduct of public affairs. Section 36 can only be used if, in the **reasonable view of a "qualified person"**, disclosure of the requested information would have one of the specified prejudicial effects. A qualified person for these purposes is a Minister of the Crown. A fuller consideration of the request, including the use of the exemption, is attached at annex A.

Recommendation

4. Given the subject of the request, only the Prime Minister and the Foreign Secretary could act as qualified persons in this case. I do not think that we should ask the Prime Minister to act as the qualified person. Do you agree to my approaching the Foreign Secretary with the above recommendation and the request that he approve it as the qualified person?

Timing

The FOIA deadline for replying to this request is 10 March 2005.

W.G. Ehrman

WILLIAM EHRLMAN

FOIA CASE HANDLING NOTE

Reference: CO FOI/05/381

Request

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Reference: CO FOI/05/50

Thank you for your request for all interim drafts of the document (or interim drafts of sections of the document) entitled, *Iraq's Weapons of Mass Destruction – The assessment of the British Government*, (24th September 2004). Your request was received on 4 January and I am dealing with it under the terms of the Freedom of Information Act 2000.

Under the Act, we are not required to provide information which is already reasonably accessible to you. The document entitled *Iraq's Weapons of Mass Destruction – The assessment of the British Government* was commissioned on 3rd September 2002 by the Prime Minister (Lord Butler of Brockwell's Review of Intelligence on Weapons of Mass Destruction page 76, paragraph 314 refers). The resulting drafts of that document were published as part of Lord Hutton's Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G (the Hutton Inquiry). The information you requested is available on the website of the Hutton Inquiry (www.the-hutton-inquiry.org.uk). The drafts can be found at appendices 9, 10, 11 and 12 of Lord Hutton's report. Certain information contained in those drafts was withheld from publication at the time Lord Hutton reported. That information is now withheld from release under sections 23(1) and 27. The Public Interest Balance Test has been applied to that information covered by section 27 and the balance of public interest lies in maintaining the exemption as disclosure would be likely to prejudice relations between the UK and another state. Beyond this, under section 17(4), we are not obliged to explain further why the public interest lies with maintaining the exemption, because to do so would reveal information that is itself exempt.

If you are unhappy with the decisions made in relation to your request from the Cabinet Office you may ask for an internal review. You should contact the Managing Director, quoting the reference number above:

Colin Balmer
Managing Director
Cabinet Office
70 Whitehall
London SW1A 2AS

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Most documents supplied in response to a Freedom of Information Act 2000 request will be subject to copyright protection. You are free to use these documents for your information, including for any non-commercial research you may be doing. Documents can also be used for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by the Cabinet Office will have been produced by government officials and so will be Crown copyright. Crown copyright is managed by HMSO and you can find out details on the arrangements for re-using Crown copyright on HMSOnline at www.hmso.gov.uk/copyright/licences/click-use-home.htm However, other documents may involve you contacting the person or organisation who produced the document for permission.

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

[Name, address, email address and telephone no of issuing officer]

From: Ramil Burden
Date: 21 February 2005

DAVID MILIBAND

cc: Jonathan Powell
Sally Morgan
Ivan Rogers
Daniel Thornton

FOI: NEWS INTERNATIONAL

We have a FOI request asking for the number of times the Prime Minister has met representatives of News International and what was discussed.

Daniel Thornton has seen and approved both this note and the attached letter.

No 10 holds one record of a meeting between Rupert Murdoch, Mark Booth (BskyB Chief Executive) and the Prime Minister dated 29 January 1998. Jonathan Powell, Alastair Campbell, James Purnell and Angus Lapsley (Private Secretary) were also present. The meeting was a discussion about a proposed joint venture between BskyB and BT and its investigation by the European Commission.

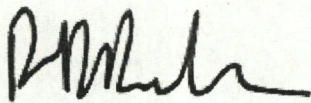
As you will see from the draft attached letter we are proposing to use Section 36(2)(b) (i) and (ii) not to release the record of the meeting. To do so we need your agreement.

Our argument is that it is not in the public interest to release this information because:

- The information given to us was given in confidence. If we were to release this information now not only would News International be less likely to give us confidential information in the future, but, more importantly, all companies would be reluctant to give free and frank views and advice in the future for fear that it would eventually find its way into the public domain. This is a significant risk and would significantly restrict the ability of Government to create sound policy based on the broadest range of views and information.

There are other reasons not to release the information. During the discussion the Prime Minister said that he was against giving the European Commission competence in the area of media regulation. This is sensitive information in relation to our negotiating position on the EU Services Directive. However, given that we believe that we have a strong case to withhold the information under 36(2)(b) relying on Section 27 does not add any further justification. Of course if our use of 36(2)(b) was proven to provide inadequate provision in the future, we would need to return to the use of Section 27.

Are you content?



RAMIL BURDEN



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

February 2005

I wrote to you on 2nd February about your request for information about how many times the Prime Minister had met with representatives of News International and what was discussed. In my letter I wrote that no decision had been reached on the balance of the public interest.

I am writing to you to say that the consideration of the balance of the public interest is now complete and it has been decided not to disclose the information you have requested because it is exempt under section 36(2)(b)(i) and (ii). The Minister for the Cabinet Office has formed the opinion that disclosure of the information would, or would be likely to, inhibit the free and frank provision of advice, or the free and frank exchange of views for the purposes of deliberation.

In reaching this opinion, and in weighing the balance of the public interest, the Minister has decided that it is in the public interest that advice should be as broad based as possible and that views are expressed as freely as possible. Accordingly it is not in the public interest to release information which may deter third parties in the future from providing free and frank advice or engaging in the free and frank exchange of views with the Prime Minister's Office.

When I wrote to you on 2nd February I also said that we were also considering the public interest test for using the exemption in Section 27(1)(b). Having considered this in more detail I now believe that Section 36(2)(b)(i) and 36(2)(b)(ii) cover all of the information we hold and that while Section 27(1)(b) may apply I do not now propose to rely on that exemption.

If you are dissatisfied with this decision you can ask for an internal review my writing to me. If you are dissatisfied with the outcome of that review you have

the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

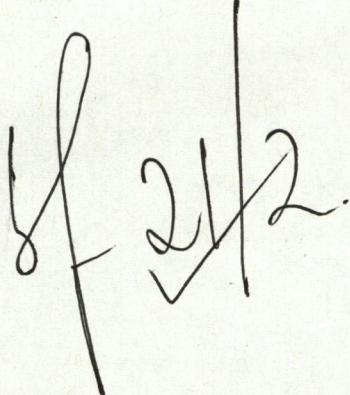
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A sets out the exemptions referred to above in full.

DANIEL THORNTON

file

IVAN ROGERS



From: Adrian Brown
Date: 14 February 2005

cc: Jonathan Powell
David Hill
Daniel Thornton

ROYAL FOI REQUESTS

We have received two 'royal' FOI requests that are likely to necessitate the release of significant numbers of documents and generate an excitable response from the media. This note asks you to approve the material we are proposing to release and consider a handling strategy. Both requests have already passed the 20 day limit and we have until Monday 21st February to consider the public interest test so a decision needs to be taken asap.

1) Death and funeral of Diana, Princess of Wales (see Annex A)

Most of the releasable information we hold relates to funeral planning and the French investigations. The Palace, the FCO, DCMS and TSol are all happy for this information to be released. I see nothing embarrassing for us as it shows No 10 getting on with the job under unique and unexpected circumstances and much of the information is already in the public domain in one form or another. Please see my draft response letter and attached documents. I would draw your attention particularly to documents c), o) and x). Of course, the media will be extremely excited by any Diana-related material regardless of content.

2) PM's attendance at the Queen Mother's funeral (see Annex B)

This is potentially more troublesome. You will recall the furore surrounding Clare Sumner's exchanges with Black Rod and whether or not the Prime Minister tried to 'muscle in' on the funeral arrangements. After a protracted argument with several newspapers we lodged a complaint with the PCC but eventually backed down. At the time we released a 30 page dossier of documents in our defence. Under FoI we must now release the correspondence between Alastair Campbell and the editors of the offending newspapers. These are colourful and likely to generate comment. A draft response letter is attached.

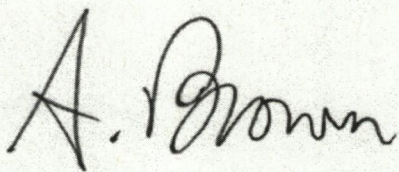
Do you agree that all this material can be released? If not we will need to construct a defence to withhold information against legal advice.

Handling strategy

Firstly, we need to agree a **release date**. I think it makes most sense to release all this information at once and I've discussed options with Paul Brown. Either this Friday (19th) or next Tuesday (22nd) would be the best days.

Secondly, we need to agree a **release process**. Best practice would be to publish all the material on our website and then point the media towards it.

Do you have any views on either the release date or process?

A handwritten signature in black ink, appearing to read 'A. Brown'. The signature is written in a cursive, flowing style with a large initial 'A'.

ADRIAN BROWN

ANNEX A

Death and funeral of Diana, Princess of Wales

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

21 February 2005

Dear Mr Thomas

Reference: 212/di

Further to my letter of 1st February I am writing to advise you that having considered the balance of public interest the Prime Minister's Office has decided to disclose the majority of the information you requested surrounding the death and funeral of Diana, Princess of Wales.

The information we are disclosing is attached to this letter. This information consists of the following:

- a) No 10 memo dated 31st August 1997 updating the Prime Minister on events in Paris;
- b) Telegram dated 31st August 1997 announcing period of mourning;
- c) Letter dated 31st August 1997 from Jan Polley, then Private Secretary to the Cabinet Secretary to Jeff Jacobs, then Private Secretary to the Deputy Prime Minister;
- d) No 10 memo dated 1st September 1997 updating the Prime Minister on events in Paris;
- e) Letter dated 1st September 1997 from Hayden Phillips, then Permanent Secretary at the Department for Culture, Media and Sport (DCMS) to Sir Robin Butler, then Cabinet Secretary and Head of the Home Civil Service regarding DCMS's role in the funeral arrangements;
- f) Note dated 1st September 1997 from the Marshal of the Diplomatic Corps to the Heads of Diplomatic Missions in London regarding overseas representation at the funeral;
- g) Telegram dated 1st September 1997 from the Foreign and Commonwealth Office to all diplomatic posts regarding overseas representation at the funeral;
- h) No 10 memo dated 2nd September 1997 discussing political attendees at the funeral;

- i) No 10 memo dated 2nd September 1997 discussing the use of video screens to broadcast the funeral;
- j) No 10 memo dated 2nd September 1997 discussing lunch arrangements following the funeral;
- k) Letter dated 2nd September 1997 from Hayden Phillips to Jan Polley regarding a letter from Mr Phillips to NDPBs;
- l) Briefing note from Buckingham Palace to charities taking part in the funeral procession;
- m) Letter dated 3rd September 1997 from Hayden Phillips to Jan Polley regarding funeral arrangements;
- n) Letter dated 3rd September 1997 from Hayden Phillips to Jan Polley regarding condolence books;
- o) No 10 memo dated 4th September 1997 concerning spending on the funeral;
- p) Fax message dated 4th September 1997 from Rev Barry Fenton, then Precentor at Westminster Abbey to Angus Laxley, then Private Secretary to the Prime Minister regarding the Prime Minister's attendance at a rehearsal for the funeral;
- q) No 10 memo dated 4th September 1997 discussing the Prime Minister's attendance at a rehearsal for the funeral;
- r) No 10 memo dated 5th September 1997 discussing lunch following the funeral;
- s) Letter dated 5th September 1997 from Hayden Phillips to Lord Airlie, then the Lord Chamberlain regarding arrangements for flowers and other tributes;
- t) Letter dated 5th September 1997 from Hayden Phillips to Angus Lapsley regarding financial implications of funeral;
- u) Internal DCMS submission to Secretary of State regarding financial implications of the funeral;
- v) Fax message from DCMS regarding arrangements for people with disabilities to view the funeral procession;
- w) Set of letters dated 8th September 1997 from Hayden Phillips to Chief Executives of Local Authorities, Lord-Lieutenants and Religious Leaders regarding arrangements for the collection of flowers;
- x) Set of telegrams from the British Embassy in Paris reporting on events immediately following the accident and the progress of the French investigations.

In line with standard procedure across Government when releasing internal Government papers, the names of officials, and, where appropriate, other individuals, have been redacted from these documents.

The redaction of paragraph 3 in telegram g) is under section 27(1)(a) (international relations) as this information may prejudice the effective conduct of international relations.

Having carefully considered the balance of public interest the Prime Minister's Office has decided that the rest of the information you requested should be withheld for the reasons outlined in the attached annexes. This information consists of the following:

- a) Memo outlining conversation between the Prime Minister and President Chirac which is being withheld under the exemption in 27(1)(a) (international relations);
- b) Communications with/between Buckingham Palace and Westminster Abbey concerning the planning of the procession and funeral service and internal No 10 memos relating to those communications which are being withheld under the exemptions in section 37(1)(a) (communications with Her Majesty etc) and section 40(2) (Personal information);
- c) Correspondence with the Treasury Solicitor which falls within the exemption in section 42 (Legal Professional Privilege).

I cannot provide you with this information.

If you have any questions regarding the way your request has been handled then please contact me.

Yours sincerely

DANIEL THORNTON

Mr Michael Thomas

Annex A

Memo outlining conversation between Prime Minister and President Chirac

27. – (1) Information is exempt information if its disclosure would, or would be likely to, prejudice

(a) relations between the United Kingdom and any other state

<i>Factors for disclosure</i>	<i>Factors for withholding</i>
<p>It is in the public interest that</p> <ul style="list-style-type: none">- all reasonable information relating to the death and funeral of Princess Diana are in the public domain	<p>The effective conduct of international relations depends upon maintaining trust and confidence between Governments and international organisations. This relationship of trust allows the free and frank exchange of information on the understanding that it will be treated in confidence. If the United Kingdom does not respect such confidence, its ability to protect and promote United Kingdom interests through international relations will be hampered in a number of ways:</p> <ul style="list-style-type: none">- The State or organisation concerned could be more reluctant to share sensitive information with the United Kingdom in future, hampering the Government's ability to protect and promote the United Kingdom's interests overseas;- Other States and organisations not directly concerned with the supply of information in question could be less willing to provide similar information to the United Kingdom, again hampering the United Kingdom's ability to protect and promote the United Kingdom's interests overseas;- Other States and international organisations could be less likely to respect the confidential nature of information supplied to the United Kingdom, to the detriment of the United Kingdom's interests.
<p><i>Why public interest favours withholding information</i></p> <ul style="list-style-type: none">• It is vital that the Prime Minister's conversations with other world leaders are essentially confidential in nature. Releasing details of these conversations would be likely to limit the frankness of such conversations in the future. This is fundamentally not in the public interest.	

Annex B

Communications with/between Buckingham Palace and Westminster Abbey concerning the planning of the procession and funeral service

37. - (1) Information is exempt information if it relates to-

- (a) communications with Her Majesty, with other members of the Royal Family or with the Royal Household

<i>Factors for disclosure</i>	<i>Factors for withholding</i>
<p>It is in the public interest that</p> <ul style="list-style-type: none">- all reasonable information relating to the death and funeral of Princess Diana are in the public domain	<ul style="list-style-type: none">- It is a fundamental constitutional principle that communications between the Queen and her Ministers and other public bodies are essentially confidential in nature and there is therefore a fundamental public interest in withholding information relating to such communications.- The need to maintain and protect the Queen's personal safety in the planning and carrying out of her public duties is also of paramount importance.- Communications between the heir to the throne and Government Ministers, including those between their respective private secretaries, where such views are not already in the public domain are, like those of the Sovereign, likely to remain sensitive because they could, at a later date, be taken to show a lack of political neutrality.
<p><i>Reasons why public interest favours withholding information</i></p> <ul style="list-style-type: none">• Some of the information you requested relates to communications with members of the Royal Household. Releasing this information would undermine the confidentiality of these communications. This would not be in the public interest.• At the time of the funeral, in recognition of the intense public interest, the Palace released details of the procession and the order of service for the funeral. These are both already in the public domain and therefore exempt under Section 21 of the Act. This is an absolute exemption and not subject to the public interest test.• Much of the information relating to the planning of the procession and funeral is of a personal nature and therefore exempt under Section 40(2) of the Act. This is an absolute exemption and not subject to the public interest test.	

Annex C

Correspondence with the Treasury Solicitor

42. - (1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

<i>Factors for disclosure</i>	<i>Factors for withholding</i>
<p>It is in the public interest that</p> <ul style="list-style-type: none">- all reasonable information relating to the death and funeral of Princess Diana are in the public domain	<ul style="list-style-type: none">- The principle of legal professional privilege (LPP) has been established by the Courts in recognition of the fact that there is an important public interest in a person being able to consult his lawyer in confidence.
<p><i>Reasons why public interest favours withholding information</i></p> <ul style="list-style-type: none">• Some of the information you requested relates to correspondence with the Treasury Solicitor. As this information relates to legal advice it is in the public interest not to release this information due to LPP.	

FAKED a)
to PM 31/8

From: [REDACTED]
Date: 31 August 1997

PRIME MINISTER

cc: Angus Lapsley

DEATH OF DIANA, PRINCESS OF WALES

You asked for information on a number of issues connected with the death of Diana, Princess of Wales earlier today. The events surrounding the accident are still subject to the French police investigation and the official outcome may take some time. The Embassy in Paris have said:

1. The Princess and Dodi al-Fayed arrived at the Paris Ritz yesterday afternoon. They were immediately subject to media attention and when they left the hotel late last night, they were surrounded by a number of journalists. They tried to leave quickly but the first hire car failed to start. The second car then left the hotel at speed. It travelled along a stretch of the river and entered the tunnel in which the car crashed.
2. The bodyguard involved in the crash was a British male named as Trevor Rhys-Jones who was employed by the al-Fayeds. He was taken to the same hospital as the Princess and is in a serious but not life-threatening condition. Our Embassy representative at the hospital has spoken to the doctors and they are confident that he will live. The Embassy has [REDACTED] who are all travelling to Paris this afternoon and will be met by a representative of [REDACTED]. They will be taken to the hospital where Embassy staff will look after them.

3. The driver of the vehicle has not yet been identified. There is a possibility that he was British but it is more likely that he was French or another foreign nationality.
 4. Neither the Ambassador nor any Embassy staff were aware that the Princess and Dodi al-Fayed had arrived in Paris yesterday. Similarly the Close Protection Squad of the French police were not aware and have said that they would have made an escort car available if that had been requested.
 5. French police have detained seven journalists who were at the scene. None of these journalists were British. It is believed that six of them were French and one was a Yugoslav.
- [REDACTED] [REDACTED]
- [REDACTED]

b)

[REDACTED]

SUBJECT IS THE DEATH OF DIANA, PRINCESS OF WALES.

REFERENCE IS [REDACTED] DATED 310910Z HRS AUG 97.

1. FURTHER TO REFERENCE FLAGS ARE TO BE LOWERED TODAY UNTIL AND INCLUDING THE DAY OF THE FUNERAL. THIS DATE WILL BE INFORMED ONCE CONFIRMED.

2. MOURNING IS OFFICIALLY DECLARED AS FAMILY MOURNING. OFFICIAL ENTERTAINMENT AND SPORTS SHOULD NOT BE CANCELLED UNLESS CONTENTS OF EVENT IS DEEMED INAPPROPRIATE BY LOCAL COMMANDER/CHAIN OF COMMAND

BT

✓



CABINET OFFICE
70 Whitehall, London SW1A 2AS
Telephone 0171-270 0101 Facsimile 0171-270 0208

c/ Duty Clerk, No 10
Press Office, No 10
Cabinet Office, No 10
[Redacted]

From the Secretary of the Cabinet and Head of the Home Civil Service
Sir Robin Butler GCB CVO

31 August 1997

Dear Jeff,

DEATH OF DIANA, PRINCESS OF WALES

The Prime Minister has asked that in the period immediately following the tragic death of Diana, Princess of Wales, Government Ministers should avoid engaging in activities which could result in political controversy. A decision on how long this position should apply will be taken once the date of the funeral of the Princess is known. In the meantime, guidance on whether particular activities should take place can be sought either from this office or No.10.

I am copying this letter to the Private Secretaries to members of the Cabinet, the Chief Whip, the Attorney General and to the Lord Advocate.

Yours,

Jan Polley

JAN POLLEY
Private Secretary

Jeff Jacobs, Esq.,
Office of the Deputy Prime Minister.

✓

hws

d)

11a 22-23.

From: [REDACTED]
Date: 1 September 1997

PRIME MINISTER

cc: ANGUS LAPSLEY

DEATH OF DIANA, PRINCESS OF WALES

I have been in contact with the Embassy in Paris and the following information updates the position in my minute dated yesterday.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The journalists are still be held by the police and an extension of a further 24 hours is to be applied for so that questioning can continue.

There is still no information on the nationality or identity of the driver.

[REDACTED] [REDACTED]

[REDACTED]



Top - SEN
cc JFO
AL
PU
Press
e)

2-4 Cockspur Street
London SW1Y 5DH
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From Hayden Phillips CB, Permanent Secretary

Sir Robin Butler GCB CVO
Cabinet Secretary and Head of the Home Civil Service
Cabinet Office
70 Whitehall
London SW1A 2AS

hp2472.wpd

1 September 1997

Dear Robin

FUNERAL OF DIANA, PRINCESS OF WALES: SATURDAY 6 SEPTEMBER

I am writing to explain the role that my Department plays in Royal funerals and to ask your and colleagues' forbearance over the suspension of car-parking in the Mall North Horse-ride from Tuesday morning.

Overall, DCMS is responsible for three aspects of Royal funerals, under the direction of the Lord Chamberlain's Office. These are:

- (a) arrangements for the procession, from the Chapel Royal to the service in Westminster Abbey;
- (b) media provision along the processional route (and we can expect a level of international media interest that is unprecedented); and
- (c) instructions to other Government Departments on flag-flying requirements.

The Department has already issued instructions that all Government buildings should fly the Union flag at half-mast. They should be flown at half-mast up to and including the day of the funeral. We are confirming this accordingly with our departmental contacts.

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Subject to instruction from the Lord Chamberlain, this Department will implement plans for preparing the processional route, for the procession itself and for media provision along the route of the procession. Individual agencies' plans will be co-ordinated by my Department and my staff will chair a co-ordinating committee which will meet at least daily. This will include our Ceremonial Works Manager and other contractors, our Press facilities officer and senior representatives of the Palace, the Royal Parks, the Royal Parks Constabulary, the Metropolitan Police and Westminster City Council.

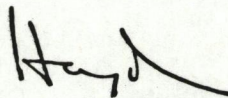
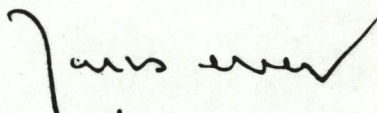
Outline media arrangements for Royal funerals have been agreed with the Palace and the UK media and are being adapted to the present circumstances. The DCMS Press Office is contacting other Whitehall departments for assistance, especially the provision of Press stewards for Saturday, the day of the funeral. The Department has in place arrangements for the erection of stands and provision of other dedicated media positions.

We are also required to prepare a formal record of the funeral arrangements.

In relation to car parking, parking on the Mall North Horse-ride will have to be suspended from 10pm tonight to allow contractors sufficient time to erect stands and facilities for the broadcasting organisations. The Royal Parks Agency is contacting all Departments this afternoon to inform them of this. Car parking will be available from 6am on Monday 8 September.

I appreciate that the suspension of the car parking arrangements (and the short notice) will cause inconvenience. I hope that Departments will be able to make temporary alternative arrangements including the use of the NCP car park at Spring Gardens. It would be enormously helpful if colleagues could make available any car parking spaces that Departments have available to any of those who would have parked on The Mall North Horse-ride and have essential reasons why they need a space. The Royal Parks Constabulary has agreed to act as a "clearing house" for requests for car parking and the relevant contact is [REDACTED]. You will appreciate that there is a limit to what they can do to help and I would be very grateful if such requests could be kept to an absolute minimum.

I am copying this letter to heads of Departments and to [REDACTED] at No. 10.



HAYDEN PHILLIPS



AMBASSADORS COURT
ST. JAMES'S PALACE
LONDON SW1A 1BL

f)

As a member of Her Majesty The Queen's Household, the Vice Marshal of the Diplomatic Corps presents his compliments to Heads of Diplomatic Missions in London and has the honour to pass on information from Buckingham Palace about representation at the funeral of Diana, Princess of Wales, at Westminster Abbey on Saturday 6 September at 11 am.

This will not be a State Funeral, so representation from overseas will be in no way comprehensive. Invitations to attend will be issued primarily on the basis of close personal association with the Princess. [REDACTED]
[REDACTED]
[REDACTED]

It is proposed to invite the Dean of the Diplomatic Corps, the Secretary General of the Commonwealth and the senior Commonwealth High Commissioner. High Commissioners of countries of which Her Majesty The Queen is Head of State will also be invited to attend. Invitations will also go to Heads of Mission in London whose governments were associated with visits by the Princess of Wales.

Some from overseas who knew the Princess will be invited to attend. This will be on the basis of personal association.

Heads of Missions may care to inform their authorities of these arrangements.

The Vice Marshal takes this opportunity to renew to the Heads of Diplomatic Missions the assurance of his highest consideration.

JH

1 SEPTEMBER 1997

UNCLASSIFIED

Top - JGM

cc AL

DC

9)

011610Z SEPTEMBER 97
AND TO IMMEDIATE ALL OTHER DIPLOMATIC POSTS

(2)

SUBJECT: FUNERAL OF DIANA, PRINCESS OF WALES: REPRESENTATION FROM OVERSEAS

SUMMARY

1. Not a State Funeral. Personal association with the Princess the Palace criterion for invitations. Representation from abroad primarily by London Heads of Mission.

DETAIL

REPRESENTATION

2. A Note has been sent to all Missions in London as follows.

BEGINS:

As a member of Her Majesty The Queen's Household, the Vice Marshal of the Diplomatic Corps presents his compliments to Heads of Diplomatic Missions in London and has the honour to pass on information from Buckingham Palace about representation at the funeral of Diana, Princess of Wales, at Westminster Abbey on Saturday 6 September at 11 am.

This will not be a State Funeral, so representation from overseas will be in no way comprehensive. Invitations to attend will be issued primarily on the basis of close personal association with the Princess.

[REDACTED]

It is proposed to invite the Dean of the Diplomatic Corps, the Secretary General of the Commonwealth and the senior Commonwealth High Commissioner. High Commissioners of countries of which Her Majesty The Queen is Head of State will also be invited to attend. Invitations will also go to Heads of Mission in London whose governments were associated with visits by the Princess of Wales.

Some others from overseas who knew the Princess well may be invited to attend. This will be on the basis of personal association.

Heads of Missions may care to inform their authorities of these arrangements.

(Usual ending.)

ENDS.

3. [REDACTED]

[REDACTED]

FLOWERS

5. Wreaths/flowers should be sent to the Receiver General,
Westminster Abbey.

MEMORIAL SERVICES

6. In countries where the British community wish a memorial
service to be held Heads of Mission are at liberty to arrange it.

COOK

YYYY

ALL DEPARTMENTS

[REDACTED]

NNNN

file h)

From: [REDACTED]
Date: 2 September 1997

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

FUNERAL OF PRINCESS OF WALES: POLITICAL ATTENDEES

1. The Prime Minister has decided that the following should be invited to the funeral:
 - a) Government: Prime Minister plus spouse, Deputy Prime Minister, Foreign Secretary, Chancellor, Home Secretary, Defence Secretary and Scottish, Welsh and Northern Irish Secretaries.
 - b) Opposition: Leader of the Opposition, Leader of the Liberal Democrats, Leader of the Ulster Unionist Party and Leader of the Scottish Nationalist Party.
 - c) Parliament: Speaker and Lord Chancellor.
 - d) Former Prime Ministers: Heath, Callaghan, Thatcher and Major.
2. Can you convey these recommendations to Buckingham Palace and inform the relevant private offices and party leaders' offices.

[REDACTED]

2/9

✓

i)

From: [REDACTED]
Date: 2 September 1997

[REDACTED]

ARRANGEMENTS FOR THE FUNERAL OF PRINCESS DIANA

I have been contacted today by a colleague with whom I worked on the arrangements for the funeral of the late John Smith. He reminded me that at the time of his death, there was a similar national desire for people to come together and participate jointly in some way in the funeral - which, as you may remember, took place in Edinburgh. Accordingly, the Labour Party arranged with the BBC to have large screens erected in 8 different cathedrals in the regions so that the BBC coverage of the service could be relayed to them as it happened. This clearly met a deep need as every cathedral was full to overflowing. The Labour Party met the cost of the exercise, which was in total about £8,000.

Do you think we should mount a similar exercise for the funeral of Princess Diana? It would meet the desire on all sides to make the funeral as accessible to ordinary people as possible, as well as showing that we are sensitive to the needs of people in the whole of the country and not just in London. As far as the government is concerned, it would also provide a useful channel for other government ministers who will not be able to attend the service in the Abbey. For example, the Secretary of State for Wales could attend the 'service' in Llandaff Cathedral.

(he will do anyway)

If you are agreeable, we could hand over responsibility for co-ordinating this to the Department of Culture, Media and Sport, and the government would foot the bill.

Hg

✓

CONFIDENTIAL

fu2)

From: [REDACTED]
Date: 2 September 1997

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

LUNCH ON SATURDAY

We spoke earlier about this. It is likely that the Prime Minister and Mrs Blair will host a lunch immediately after the funeral of Diana, Princess of Wales on Saturday. This will be for those VIP foreigners who attend the funeral.

At the moment, we are expecting [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Exactly what we organise will depend on numbers, but it would seem to me that the most sensible option would be a buffet lunch in the large Dining Room. It would probably start at around 1230 and I think we can bargain on guests leaving quite swiftly after lunch - say before 2 o'clock.

This is about as much as I can let you know at the moment, until we have more information from the Palace about who is attending the funeral. However, it is probably worth your while making provisional arrangements with [REDACTED]
[REDACTED]

CONFIDENTIAL

✓



2-4 Cockspur Street
London SW1Y 5DH
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From Hayden Phillips CB, Permanent Secretary

Jan Polley
Private Secretary to
Sir Robin Butler GCB CVO
70 Whitehall
London
SW1A 2AS

JP12(S)

2 September 1997

Spoke to Eleanor Street.

CCO.

Dear Jan,

**FUNERAL OF DIANA, PRINCESS OF WALES
LETTER FROM MR PHILLIPS TO NDPBs**

Mr Phillips proposes to write to the Chief Executives of the Departments non-departmental public bodies that open to the public to offer them a steer on whether to open on Saturday, the day of the funeral of Diana, Princess of Wales. I attach a draft which makes clear that, ultimately, it is a matter for the trustees of the institutions concerned.

Please let them know we are not greatly fussed. On balance, museums etc ought to re-open after the funeral.

Angus.
2/29

Before he writes, I wanted to check that this is not out of step with what other Departments will be doing. Do you see any difficulties?

Ideally Mr Phillips would like to write later today or first thing tomorrow morning.

We are clearing the letter with our contacts in the Royal Household to ensure that they are content.

I am copying this letter and the draft to Angus Lapsley at No. 10.

Yours sincerely,

John Priest

John Priestland
Private Secretary

✓

**DRAFT LETTER FROM MR PHILLIPS TO CHIEF EXECUTIVES OF NDPBs
WHICH OFFER ADMISSION TO THE PUBLIC**

A number of institutions sponsored by DCMS have sought the Department's view about whether they should remain open to the public this coming Saturday, the day of the funeral of Diana, Princess of Wales.

The decision whether or not to remain open to the public on Saturday is a matter for the Trustees of each institution. However, it would be understandable if institutions considered that closure on part or all of that day was an appropriate gesture of respect in recognition of the mood of the nation. All the Historic Royal Palaces open to the public will be closed. Those institutions which are located in central London may wish to take into account their proximity to processional route and Westminster Abbey. Institutions may also wish to consider the fact that closure on Saturday would allow their staff to see the events either in person or on television.

LIST OF 'PUBLIC' NDPBs

British Museum
Imperial War Museum
National Gallery
National Maritime Museum
National Museums and Galleries on Merseyside
National Portrait Gallery
Natural History Museum
Science Museum
Tate Gallery
Victoria and Albert Museum
Wallace Collection
Geffrye Museum
Horniman Museum
Museum of London
Museum of Science and Industry in Manchester
Sir John Soane's Museum
Royal Armouries
English Heritage
Royal Commission on Historic Manuscripts
Royal Commission on the Historic Monuments of England
British Library
British Tourist Authority
English Tourist Board
British Film Institute
Crafts Council

2)

BRIEFING NOTE

As I am sure you know the funeral of Diana, Princess of Wales is to be held at Westminster Abbey on Saturday, 6th September at 11.00 o'clock preceded by a procession from St. James's Palace.

The family, with the support of The Queen and The Prince of Wales, believes that it would be fitting and in accordance with Diana, Princess of Wales' wishes if the procession is largely made up of people who have worked for and benefited from her charities. It is hoped that there can be a spread of ages and ethnic backgrounds and that those people who have met the Princess can be included. The procession will walk behind the coffin from St. James's Palace to the Abbey; however, the route should be quite manageable for people in wheelchairs, with a helper, and for children.

If your charity would like to be part of the procession I should be grateful if you would let me have five suggested names by noon on Thursday, 4th September. They can be telephoned or faxed, the numbers are given below. There is no need for the charity's Chairman or Chief Executive to be included with the emphasis being on "front-line" workers and beneficiaries. The television and other media will be interested to know who is taking part in the procession and we should be grateful if we could have a two or three line pen picture of each person, also by mid-day on Thursday.

Details of when and where the procession will assemble on Saturday morning will be sent to you in due course. Dress will be at your discretion.

✓

For practical reasons those in the procession will not be able to attend the service itself but it will be relayed to them, hopefully by way of a large mobile television screen in a location near the Abbey. The family would, however, like your Charity to be represented at the service, although I am afraid we can only offer one ticket. Could you let me know that name as quickly as possible and by no later than noon on Wednesday.

Our telephone number is [REDACTED]
and our fax number is [REDACTED]

[Handwritten signature]



(C) JP
AM
AC
J Rowell

(2)

2 - 4 Cockspur Street
London SW1Y 5DI1
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From Hayden Phillips CB, Permanent Secretary

Jan Polley
Private Secretary to
Sir Robin Butler GCB CVO
70 Whitehall
London
SW1A 2AS

JP13(SJS)

3 September 1997

Dear Jan,

ARRANGEMENTS FOR THE FUNERAL OF DIANA, PRINCESS OF WALES

I am writing to you to alert you to two issues in relation to the funeral of Diana, Princess of Wales on Saturday.

The first is the fact that, as we come towards the end of the week it will become necessary to close a number of roads in and around the Whitehall area. These include Whitehall, Horse Guards Road and Parliament Square, which are on the route of the funeral procession, and Victoria Street, which is adjacent. The closures will be on the advice of the Metropolitan Police, who will be responding to the build up of crowds along the route. We will do what we can to let Departments know of the closures in advance, but this may not be possible. Any enquiries about road closures should be directed to ~~Suzi Daly~~ on 0171-211 2141. ~~Ms Daly~~ will endeavour to telephone Heads of Departments' offices as and when there are any developments.

The second point is that we recognise that civil servants in departments along the route might wish to view the funeral procession from their offices. This is a matter for individual departments, but we feel that it would be preferable if departments were not to open their buildings along the route at all on Saturday morning, or at least to restrict access to those whose presence for work is essential. Entry will be very difficult because of the crowds. The police will do what they can to allow essential access on the day, but Departments will want to avoid adding unnecessarily to their burden. It may therefore be best if key staff arrange to stay overnight in their offices on Friday if they need to work on Saturday morning. We are currently investigating, with the Metropolitan Police, the use of special security badges to assist access by

key staff, and we will let you know if this proves possible. The police have asked that for security reasons, all windows should be kept shut, and that no-one should go out on to balconies or roofs.

I am copying this letter to all Private Secretaries to Heads of Departments and to Angus Lapsley at No. 10.

Yours sincerely,

John Priestland

John Priestland
Private Secretary



C. Angus Lapsley n)

(P)

2-4 Cockspur Street
London SW1Y 5DH
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From Hayden Phillips CB, Permanent Secretary

Jan Polley
Private Secretary to
Sir Robin Butler GCB CVO
70 Whitehall
London SW1A 2AS

F17(S9)

12098

3 September 1997

Dear Jan,

CONDOLENCE BOOKS FOR DIANA, PRINCESS OF WALES

At this morning's meeting of Permanent Secretaries, a number of Permanent Secretaries expressed a view that they would like their departments to open their own books of condolence for the family of Diana, Princess of Wales.

Mr Phillips has asked the Palace about the most appropriate format for such books. He has been told that the Palace is using A4 paper with a faint light ruling in two-hole ring binders. These will then be bound together into more formal books. Departments may wish to use the same format in drawing up their own books.

I am copying this letter to the Private Secretaries of all Heads of Departments.

Yours sincerely,

John Priestland

John Priestland
Private Secretary

RESTRICTED

File

0)

From: [REDACTED]
Date: 4 September 1997

[REDACTED]
cc: [REDACTED]
[REDACTED]

SPENDING ON THE FUNERAL

For the record, I have been steering DCMS, though Hayden Philips, towards doing everything they can to get things right on logistical support for the route on Saturday. This has mainly been to do with media facilities, loos etc, but they are putting substantial effort into getting screens in place.

Hayden tells me that the Treasury have been pretty good so far, but the bill, which stands at around £3m is mounting. The line I have taken with him is if it gets a lot bigger, we might need to be consulted, but until then he should work on the assumption that he has cover from here. I suspect something around £5m will be the final figure - scarcely a deck on the Royal Yacht.

[REDACTED]

[REDACTED]

RESTRICTED

Westminster Abbey

THE REV'D BARRY FENTON
Precentor
Chapter Office
20 Dean's Yard
London SW1P 3PA

04 September 1997

FACSIMILE TRANSMISSION

Attention: Angus Laxley Esq
Private Secretary to the Prime Minister
Fax. no.: [REDACTED]

URGENT AND CONFIDENTIAL

THE PRINCESS OF WALES

I am delighted to hear from the Lord Chamberlain's Office that the Prime Minister has kindly agreed to read at the Funeral Service here on Saturday for the Princess of Wales, and I enclose the text for the Prime Minister's advance perusal.

I wonder whether the Prime Minister would wish to test the Abbey sound system in advance of the service itself? [REDACTED]
[REDACTED]
[REDACTED]

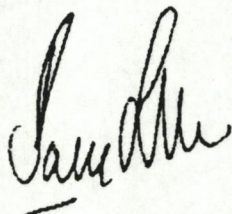
Would this be a convenient time for the Prime Minister?

If so, I should be delighted to arrange an advance secure parking space in Dean's Yard, close to the entrance to the Deanery.

Would you be kind enough to let me know whether the Prime Minister would like to be present at this rehearsal. Otherwise we shall look forward to welcoming him on Saturday as arranged.

With all good wishes.

Yours sincerely,



9)

From: [REDACTED]
Date: 4 September 1997

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

THE ABBEY

I have provisionally arranged for the Prime Minister to visit the abbey at 17.00 tomorrow to try out the sound system [REDACTED]
[REDACTED]. I imagine that it will take about half an hour. He will be looked after by [REDACTED]

I attach the text that he will read.

I assume that either [REDACTED] will accompany the Prime Minister.

For parking/security arrangements, the detectives should contact [REDACTED]
[REDACTED]

Angus

Prime Minister

John
5/9.

✓

File
John 9/9.

r)

From: [REDACTED]
Date: 5 September 1997
cc: [REDACTED]

LUNCH ON SATURDAY 6 SEPTEMBER

I attach the list of guests attending the lunch tomorrow following the funeral, details of how to address guests in person, and a seating plan.

Guests are expected to arrive at No. 10 in order listed but this cannot be guaranteed!

If you agree could the seating plan please go into the Prime Minister's box.

The menu for lunch is:

Mushroom and Asparagus Salad

Fillet of Lamb, Rosemary Sauce, New Potatoes and Seasonal Vegetables

Fresh Fruit and Berries and Raspberry Coulis

Coffee

Sue



2-4 Cockspur Street
London SW1Y 5DH
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From: Hayden Phillips CB, Permanent Secretary

Top - AL
[Redacted]
[Redacted]
[Redacted]
Press
#

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

S)

The Rt Hon The Earl of Airlie Kt GCVO
Lord Chamberlain
Buckingham Palace
London
SW1A 1AA

5 September 1997

Dear Lord Airlie,

ARRANGEMENTS FOR FLOWERS AND OTHER TRIBUTES TO DIANA, PRINCESS OF WALES

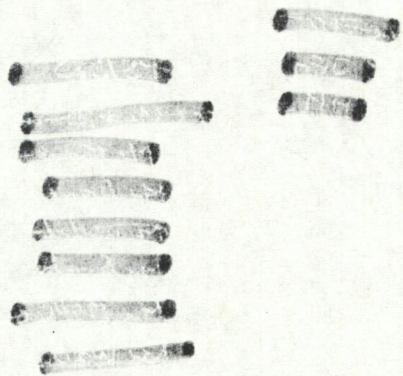
At this morning's meeting it was agreed that DCMS and the Royal Parks Agency should take responsibility for handling the flowers and other tributes to Diana, Princess of Wales which the public has presented at Kensington Palace, Buckingham Palace and St James's Palace. This letter elaborates on the suggestions I made this morning.

Clearly, whatever is agreed to be done will need to be carried out with the utmost sensitivity and care. We expect that, by early next week, there may be over a million floral tributes, each one of which will be a very important and personal gesture to the person who made it. The Royal Parks has not attempted to remove any of the floral tributes at present, in acknowledgement of the public mood, but some, placed shortly after the news of the Princess's death was announced, are already decaying. We therefore have to act before too long, but in a way in which the Royal Family, the Spencer family, and the public will see as appropriate and fitting.

The key, as I see it, should be to make the most and best use of the tributes that have been made. Waste should be kept to a minimum. Where flowers are still fresh, they should either be offered to local hospitals, hospices and residential homes for the elderly, or they should continue in the Royal Parks, although perhaps in an alternative location if this can be managed. Each tribute will therefore need to be individually examined and moved. Where flowers are not suitable to be relocated, we propose that they should be composted and used to help grow new plants and flowers in Kensington Gardens.

I propose a similar approach with gifts. Where they are in a suitable condition, they can be made available to hospitals and similar organisations. Where not, they should be disposed of in an environmentally friendly way.

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Cards and messages are more permanent and the people who gave them will, I think, want them to be preserved in some way. But exactly what should be done with them is difficult to assess at this stage. I suggest that, when sorting the floral tributes, such items should be collected and stored until the point at which the family of the Princess has had an opportunity to consider what should be done with them for the longer term.

The sheer scale of the task will require a large amount of manpower. The Royal Parks will clearly need to take the lead, but, I want to find a practical way of them being assisted by voluntary organisations, (the WRVS, guides and scouts were mentioned this morning). We should also have a mind to inviting those groups that had an association with the Princess herself to join in too.

The public handling of the arrangements will be important. Questions about what is to be done are likely to start shortly after the funeral itself, if not before. We need to be prepared for them but better than that would be to take a clear lead with our proposals. People will not need to know all the details straight away, but they will need to know that arrangements are in hand. They will also need to be aware of the timings so that they know what is likely to happen to their tributes well in advance of any action being taken.

I propose that DCMS should issue a low-key announcement on Saturday evening setting out the arrangements in general terms. (I attach a very first draft of a press release). We should be prepared to answer a flood of press enquiries from that time. No flowers or gifts would be removed until Tuesday of next week at the earliest. This will allow people time to absorb and adjust to the proposals, and allow us more time to get an efficient and acceptable arrangement together.

I know that letters from the public are already arriving about what is to be done [REDACTED] [REDACTED] showed me one this morning). I suggest that these are answered as soon as is practical after an announcement is made and in the same terms as that announcement, indicating that we will take account of the correspondent's particular suggestion in the light of the family's views. We will want to avoid any build up of correspondence as this may cause frustration.

Clearly, you and the others concerned will want to consider these proposals carefully, taking views of the family into account. DCMS can convene an operational meeting, with the Royal Households concerned, on Monday, but it would be enormously helpful to be clear about the general way ahead in time for us to make an announcement after the funeral.

I am copying this letter to [REDACTED]
[REDACTED]
[REDACTED]

Yours sincerely,
JL Priest

pp. HAYDEN PHILLIPS

(APPROVED BY THE PERMANENT
SECRETARY AND SIGNED IN
HIS ABSENCE)

PRESS ANNOUNCEMENT

The Department for Culture, Media and Sport and The Royal Parks have agreed to deal with the enormous mass of flowers, cards and gifts presented by the public at the gates of Buckingham Palace, Kensington Palace and St James's Palace in tribute to Diana, Princess of Wales.

Those flowers that are fresh will be collected by Parks staff [and volunteers from] and passed on to hospitals, old people's homes and similar organisations.

Those flowers that are not suitable for this purpose will be composted and used to help grow new plants and flowers in Kensington Gardens.

Cards and messages will all be collected and stored until the family of the Princess of Wales has had an opportunity to consider how they should be preserved.

Those gifts that are in a suitable condition will be passed on to hospitals and similar organisations.

The work involved will not start before Tuesday 9 September. Additional areas will be found for floral tributes laid after that time.



2-4 Cockspur Street
London SW1Y 5DH
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From Hayden Phillips CB, Permanent Secretary

Angus Lapsley Esq
Private Secretary to the Prime Minister
10 Downing Street
London SW1A 2AA

jp599.wpd

5 September 1997

Dear Angus,

ARRANGEMENTS FOR THE FUNERAL OF DIANA, PRINCESS OF WALES

Mr Phillips has asked me to send you a copy of the submission he sent to the Secretary of State yesterday about the financial implications of our preparation for the Royal funeral. I understand that he mentioned the likely costs to you in the margins of your meeting with the Lord Chamberlain yesterday. We will try to keep costs as low as possible and we hope that we may look to support from No. 10 should there be any question of them being borne by this Department out of existing provisions.

Yours sincerely,

JOHN PRIESTLAND
Private Secretary

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10)

RESTRICTED - POLICY

hp2509.wpd

FROM: [REDACTED]

DATE:

4 September 1997

SECRETARY OF STATE

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]ARRANGEMENTS FOR THE FUNERAL OF DIANA, PRINCESS OF WALES:
COSTS

I need to give you a note about the costs we have inevitably been incurring as a result of the Department's role in the arrangements for the funeral of Diana, Princess of Wales.

2. You know that the Department has responsibility for the processional arrangements (and associated handling) for the funeral and for the media arrangements in relation to the procession. Contingency planning has been going on for several years against the possibility of a major Royal Funeral taking place, but, for obvious reasons, we had no financial cover for such an event. It has always been accepted that we would be likely to

RESTRICTED - POLICY

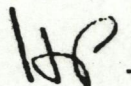
need to make a call on the Reserve for the costs which would be involved when a Funeral took place. We have therefore had to commit expenditure from Monday onwards without any normal Estimates cover to do so. Treasury officials have however confirmed that we do not require an advance from the Contingencies Fund and that the ambit of the Vote and that which provides for commemorative services, implicitly covers expenditure of this nature. This will be made explicit at the earliest opportunity by way of a Winter Supplementary Estimate.

3. As you know, the time available from the news of the death of the Princess to the Funeral itself was very short, under a week, compared to a ten-day preparation period which was envisaged under the arrangements developed for a major Royal Funeral. The effect of this has inevitably been that the costs associated with our work will be more than we would have anticipated, compounded by the fact that the unprecedented degree of public concern and involvement in this Funeral has brought its own pressures. The decision yesterday to double the length of the processional route, with only two days to go before the Funeral itself, has added greatly to these pressures.
4. At the beginning of the week, as soon as our task was known, Nigel Pittman spoke to colleagues in the Treasury about the need for a call on the Reserve. They in turn raised the matter with the Chief Secretary. He gave an undertaking that we would be given access to the Reserve for all reasonable costs associated with our role in the Funeral. He has subsequently indicated that he would not want any letter from you this week setting out the position formally but that you should write after the Funeral when we are able to give a reasonably accurate estimate of the costs that have been incurred.
5. It is of course extremely difficult to offer an accurate assessment of what the eventual costs will turn out to be. We have been exercising all the restraint we can, consistent with the need to get the task done in the very limited time available to us and bearing in mind the pressures we have been under to make provision for all the required press facilities and the minimum facilities needed (e.g. toilets) for the public who will line the

RESTRICTED - POLICY

route. To increase public access and help handle the pressure of crowds we have agreed to provide a giant screen or screens on which the television pictures of the procession can be relayed to those who cannot get places on the processional route itself and a sound system along the route over which the service in Westminster Abbey can be broadcast to the public. We will further need to meet the costs of both the Royal Parks Agency and Westminster Council in cleaning up the area after the Funeral. Our present estimates are that the eventual cost will come out in the region of £4.5m. That could rise again if we are faced with any further significant changes to the arrangements over the next twenty four hours.

6. I would be grateful to know that you are content to endorse the approach we have taken, in these exceptional circumstances, and that we have your authority to incur the costs associated with the Funeral. We will of course give you a more detailed breakdown of the costs involved as soon as that is available and, in due course, a letter for you to send to the Chief Secretary formally seeking access to the Reserve for these costs.

**HAYDEN PHILLIPS**

FAX MESSAGE

To:

From:

DCMS

Hayden Phillips reported at this morning's meeting with the Lord Chamberlain the arrangements which had been put in place by the Royal Parks Agency for the disabled at tomorrow's procession. These arrangements were welcomed, and it was agreed that, as space was very limited and there was a risk of encouraging unrealistic expectations, the arrangements should not be publicised. The Secretary of State for Culture, Media and Sport has endorsed this approach. However, large numbers of enquiries are being made, and we have therefore agreed the text of the attached information note with the RPA, which is not to be issued as an announcement but may be used in responding to enquiries. Subject to ~~Hayden's~~ views, senior officials here have suggested that now the precise arrangements are clear, enquiries should be directed to either Buckingham Palace or DCMS.

I would be grateful if recipients could let me know as soon as possible on [redacted] whether you are content with this approach.

**FUNERAL OF DIANA, PRINCESS OF WALES - ACCESS FOR THE DISABLED:
INFORMATION NOTE (FOR USE ONLY IF ASKED)**

A limited amount of space in two areas has been set aside for the disabled and their helpers, which will be allocated on a first come first served basis. Stewards in the locality will be briefed to direct and advise disabled people wishing to use the available space.

The first area, from where the part of the procession starting at Kensington Palace will be able to be viewed, is at the Queen Victoria Memorial Gardens, on the raised walkway adjacent the Queen Victoria Memorial (ramps have been provided). The North part of the Gardens can be accessed from Constitution Hill (Canada Gate end) and the South via Birdcage Walk, although people wishing to use these spaces are advised that access to them will be severely limited after 6am on Saturday and impossible after 7am at the latest. There will be space for a total of 200 disabled people, with up to two helpers each. Access to the area will be possible after around 7.30pm tonight (Friday), but in view of the weather forecast for tonight, anyone planning to arrive this evening should have warm and waterproof clothing, as well as food and drink. Disabled toilet facilities will be located in both parts of the Gardens.

The second area will be in front of the screen in Hyde Park, where space for around 150 disabled people and their helpers will be available. Access to the area is via Serpentine Road or from Marble Arch. Disabled toilet facilities will be provided close to the reserved area.

There are no parking facilities for these spaces, and vehicle access to the area surrounding the route will be impossible after 6am at the latest tomorrow.



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2-4 Cockspur Street
London SW1Y 5DH
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From Hayden Phillips CB, Permanent Secretary

P

Chief Executives of Local Authorities

8 September 1997

From Chief Executive

ARRANGEMENTS FOR THE COLLECTION OF FLOWERS AND OTHER TRIBUTES TO DIANA, PRINCESS OF WALES

The Department for Culture, Media and Sport has assumed responsibility for handling the many flowers and other tributes to Diana, Princess of Wales in and around the Royal Parks. We estimate that there are already more than a million such tributes, and the number continues to increase. Each one of them is very important gesture to the person who made it and must be treated with the greatest respect and dignity. I am writing to inform you of the arrangements that we are putting in place (and which have been agreed with the Royal Household and the Spencer family) so that you can, if you wish, proceed in a similar way with the many other tributes in other places across the country.

The key principle we are adopting is that we should make the most and best use of the tributes that have been made. Where flowers are still fresh, we will offer them to local hospitals, hospices and residential homes for the elderly, or they will continue on display, although perhaps in an alternative location to the one in which they were first placed. Where flowers are not suitable to be passed on or have decayed, we propose to compost them and use them to help grow new plants and flowers in Kensington Gardens.

There are also many gifts, including toys, which we are planning to treat in a similar way. Where they are in a suitable condition, they will be made available to hospitals and similar organisations. Where not, they will be disposed of in an environmentally-friendly way.

Cards and messages are more permanent and the people who gave them will, I think, want them

to be preserved in some way. The approach we are adopting is that, when sorting floral tributes, messages should be collected, dried as necessary and stored until the family of the Princess has had an opportunity to consider what should be done with them for the longer term. You may wish to make arrangements for storage, locally, in a similar way. We will, in due course, circulate further guidance on what should be done with the messages and with Books of Condolence, which should also continue to be held locally for the time being.

The families think that it would be appropriate if the difficult task of sorting the tributes was undertaken, at least in part, by voluntary organisations, particularly those involving young people. We are setting in hand arrangements to make this possible and you may wish to contact local groups of guides, scouts and other voluntary organisations to see if they are willing to help you.

We think that it is important that as many people as possible know about the arrangements and that whatever is done is carried out in an open and clear way. It may therefore make sense for you to keep local media informed about your plans and to work with them to publicise them clearly.

The timing of any arrangements is important. To allow an appropriate period of reflection and proper organisation, we will not begin the process of collection until Thursday, 11 September. We shall make it clear that the process may take some time.

I attach a copy of the press notice that this Department issued yesterday and today. If you have any enquiries about our arrangements, you may contact [REDACTED] on [REDACTED] or [REDACTED] on [REDACTED] and we will do what we can to help. Ultimately, the arrangements that you adopt will be for you to decide, based on your local circumstances. But DCMS is keen to do what it can to offer advice in this important task.

I am writing in similar terms to Lord-Lieutenants and representatives of the Churches and other faiths.

Yours sincerely
Hayden Phillips

HAYDEN PHILLIPS



2-4 Cockspur Street
London SW1Y 5DH
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From Hayden Phillips CB, Permanent Secretary

Lord-Lieutenants

8 September 1997

Dear Lord Lieutenant

ARRANGEMENTS FOR THE COLLECTION OF FLOWERS AND OTHER TRIBUTES TO DIANA, PRINCESS OF WALES

The Department for Culture, Media and Sport has assumed responsibility for handling the many flowers and other tributes to Diana, Princess of Wales in and around the Royal Parks. We estimate that there are already more than a million such tributes, and the number continues to increase. Each one of them is very important gesture to the person who made it and must be treated with the greatest respect and dignity. I am writing to inform you of the arrangements that we are putting in place (and which have been agreed with the Royal Household and the Spencer family) so that you can, if you wish, proceed in a similar way with the many other tributes in other places across the country.

The key principle we are adopting is that we should make the most and best use of the tributes that have been made. Where flowers are still fresh, we will offer them to local hospitals, hospices and residential homes for the elderly, or they will continue on display, although perhaps in an alternative location to the one in which they were first placed. Where flowers are not suitable to be passed on or have decayed, we propose to compost them and use them to help grow new plants and flowers in Kensington Gardens.

There are also many gifts, including toys, which we are planning to treat in a similar way. Where they are in a suitable condition, they will be made available to hospitals and similar organisations. Where not, they will be disposed of in an environmentally-friendly way.

Cards and messages are more permanent and the people who gave them will, I think, want them

to be preserved in some way. The approach we are adopting is that, when sorting floral tributes, messages should be collected, dried as necessary and stored until the family of the Princess has had an opportunity to consider what should be done with them for the longer term. You may wish to make arrangements for storage, locally, in a similar way. We will, in due course, circulate further guidance on what should be done with the messages and with Books of Condolence, which should also continue to be held locally for the time being.

The families think that it would be appropriate if the difficult task of sorting the tributes was undertaken, at least in part, by voluntary organisations, particularly those involving young people. We are setting in hand arrangements to make this possible and you may wish to contact local groups of guides, scouts and other voluntary organisations to see if they are willing to help you.

We think that it is important that as many people as possible know about the arrangements and that whatever is done is carried out in an open and clear way. It may therefore make sense for you to keep local media informed about your plans and to work with them to publicise them clearly.

The timing of any arrangements is important. To allow an appropriate period of reflection and proper organisation, we will not begin the process of collection until Thursday, 11 September. We shall make it clear that the process may take some time.

I attach a copy of the press notice that this Department issued yesterday and today. If you have any enquiries about our arrangements, you may contact [REDACTED] on [REDACTED] or [REDACTED] on [REDACTED] and we will do what we can to help. Ultimately, the arrangements that you adopt will be for you to decide, based on your local circumstances. But DCMS is keen to do what it can to offer advice in this important task.

I am writing in similar terms to Chief Executives of Local Authorities and representatives of the Churches and other faiths.

Yours sincerely
Hayden Phillips
HAYDEN PHILLIPS



2-4 Cockspur Street
London SW1Y 5DH
Telephone: 0171-211 6255/6/7
Facsimile: 0171-211 6259

From Hayden Phillips CB, Permanent Secretary

Religious Leaders

8 September 1997

Dear Religious Leader

ARRANGEMENTS FOR THE COLLECTION OF FLOWERS AND OTHER TRIBUTES TO DIANA, PRINCESS OF WALES

The Department for Culture, Media and Sport has assumed responsibility for handling the many flowers and other tributes to Diana, Princess of Wales in and around the Royal Parks. We estimate that there are already more than a million such tributes, and the number continues to increase. Each one of them is very important gesture to the person who made it and must be treated with the greatest respect and dignity. I am writing to inform you of the arrangements that we are putting in place (and which have been agreed with the Royal Household and the Spencer family) so that you can, if you wish, proceed in a similar way with the many other tributes in other places across the country.

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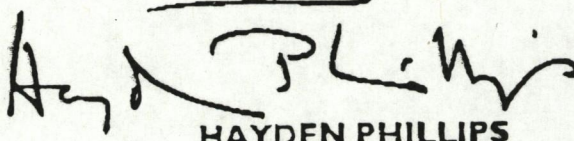
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I am writing in similar terms to Lord-Lieutenants and Chief Executives of Local Authorities.

Yours sincerely

HAYDEN PHILLIPS

DCMS 39/97



7 September 1997

FLORAL TRIBUTES TO DIANA, PRINCESS OF WALES

At the request of the families, the Department for Culture, Media and Sport, and The Royal Parks have agreed to make appropriate arrangements to deal with the enormous number of flowers, cards and gifts presented by the public at the gates of Buckingham Palace, Kensington Palace and St James's Palace in tribute to Diana, Princess of Wales.

Those flowers that are fresh will be passed on to hospitals, old people's homes and similar organisations. Those flowers that are not suitable for this purpose will be composted and used to help grow new plants and flowers in Kensington Gardens.

Cards and messages will all be collected and stored until the family of the Princess of Wales has had an opportunity to consider how they should be preserved. Those gifts that are in a suitable condition will be passed on to hospitals and similar organisations.

The Department intends, after further consultation with the Princess's family, to invite members of voluntary groups, especially young people, to join Park staff in this work. The work involved will not start before Tuesday 9 September. Additional areas will be found for floral tributes presented after that time.

Press Enquiries: 0171-211 6271
(Out of Hours Telephone Pager No: 01399 1133)
(Ask for Pager No: 751153)
Public Enquiries: 0171-211 6200
Internet: <http://www.coi.gov.uk/coi/depts/GHE/GHE.html>

DNH 40/97



8 September 1997

FLORAL TRIBUTES TO DIANA, PRINCESS OF WALES

It has now been agreed that work to remove the floral tributes presented at Buckingham Palace, Kensington Palace and St James's Palace will start on Thursday 11 September. The work will be carried out by Royal Parks staff, assisted by the WRVS and volunteers from youth organisations.

Those wishing to present tributes on or after 11 September will be able to do so in specially set aside areas at all three Palaces.

The Books of Condolences will remain open for signing at Kensington Palace for 24 hours a day until at least 15 September, and longer if necessary.

Press Enquiries: 0171-211 6271/6273
(Out of Hours Telephone Pager No: 01399 1133)
(Ask for Pager No: 751153)
Public Enquiries: 0171-211 6200
Internet: <http://www.coi.gov.uk/coi/depts/GHE/GHE.html>

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SINGAPORE: FOR PS/SECRETARY OF STATE

SUBJECT: MIPT: DEATH OF DIANA, PRINCESS OF WALES: FRENCH ENQUIRIES

Summary

1. Update by the Prefet de Police on the state of the investigation.

Detail

2. I telephoned Massoni, the Paris Prefet de Police, this evening to thank him and his staff for all they had done in the aftermath of last night's car accident and to ask for the state of play on the investigation.

3. Massoni said that the investigation was now out of the hands of the police and with the judicial authorities. But he read out to me an internal note giving the state of play of the enquiry as known this evening.

4. The note began with the history: the Princess of Wales and Mr Al-Fayed had been confronted by 25 or so journalists outside the Ritz hotel last night, and 100 or so onlookers. Because, apparently, their getaway car failed to start, they got into another nearby car driven by a Ritz driver. This car drove at high speed, followed by journalists, until the accident in the tunnel under the Pont d'Alma. Seven journalists were arrested by the police when they arrived at the scene of the accident. Two were from the Gamma Agency, one each from Angeli, Sigma, Style Press Agency, and Sipa Press and one independent (Massoni had earlier told me that six of the journalists were French and one a Yugoslav).

5. The police had seized 12 films from the journalists and the Public Prosecutors had since ordered all other films in the possession of journalists to be turned into the authorities or

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to be repressed. (There are rumours tonight that photographs of the accident before the police or rescue services arrived are being touted around for huge sums).

6. The note says that several journalists, including apparently some of those arrested, tried to prevent the rescue services and the police from getting at the vehicle so that they could continue to photograph. Two policemen were apparently injured by journalists preventing them from getting at the car. French law allows for detention without trial for 24 hours. The likelihood is that permission will be sought and given tonight to extend this for a further 24 hours.

7. The note adds that a vehicle expert is examining the car to check on the possibility of mechanical failure. There are reports that another vehicle attempted to slow the Al-Fayed car down and may have contributed to the accident. No firm evidence of this has yet been found.

8. Massoni told me that the Brigade Criminelle, the elite of French investigators, had been put in charge of the investigation.

9. Comment: This is the state of the investigation tonight. It will no doubt evolve. We will keep closely in touch with the police and the judicial authorities. I do not know how much of this will get into the public domain. Meanwhile, we will continue to take the line with the press that questions on the state of the investigation should be referred to the French authorities.

10. FCO please advance to Buckingham Palace, PS/No 10, PS/Defence Secretary, PS/Home Secretary, PS/Cabinet Secretary.

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SINGAPORE: FOR PS/SECRETARY OF STATE

Ph 1/9.

SUBJECT: DEATH OF DIANA, PRINCESS OF WALES

Summary

1. French authorities spare no effort to help. Remarkable outpouring of sympathy from French Government and people.

Detail

2. The French authorities alerted this Embassy at about 0130 local time on 31 August to the car accident involving Diana, Princess of Wales, and Mr Al-Fayed. [REDACTED] and I went immediately to the Pitie Salpetriere Hospital, and remained there through the night. [REDACTED]

[REDACTED] was already at the hospital, and made a statement after the formal hospital announcement of the Princess's death, as did I.

3. From the President down, the French authorities have dealt with last night's events with extraordinary generosity, efficiency and sensitivity. The emergency services and hospital staff did all they could to save the Princess's life. Once the battle was lost, every possible trouble has been taken to help with arrangements for repatriation of the Princess's body. Madame Chirac visited the hospital early today. The President later telephoned me to express his sympathy, and to discuss The Prince of Wales's visit to the hospital, when M Chirac and his wife greeted His Royal Highness, together with Lady Sarah McCorquodale and Lady Jane Fellowes. The French Prime Minister, Lionel Jospin, travelled back to Paris from the Socialist Party summer school in Western France specifically to pay his respects to the Princess. The French Foreign Minister accompanied the cortege to the airport. The police, hospital and other staff have spared no effort to help, nor have they hidden their own sadness and emotion.

4. Tributes to the Princess have been coming in to the Embassy all day. Many senior political figures have telephoned me or sent handwritten messages. Wider public reaction is of great sadness amid great affection for the Princess, as was clear from the crowd's response as the cortege left the hospital this evening. Flowers have been placed near the scene of the accident, and in front of the hospital and the Embassy. We are opening a book of condolence in the Residence tomorrow.

5. I shall ensure that all these efforts and expressions of sympathy are suitably acknowledged.

6. I shall report more fully later this week, including on overall French reaction to the Princess's death and on the police investigation of the circumstances of the accident, on which we are in close touch with the authorities.

7. See MIFT for the latest report on the state of the French investigation.

8. Please advance to Buckingham Palace, PS/No 10, PS/Defence Secretary, PS/Home Secretary, PS/Cabinet Secretary.

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FCO; PLEASE PASS TO BUCKINGHAM PALACE, PS/PRINCE OF WALES, PS/NO 10

SUBJECT: DEATH OF DIANA, PRINCESS OF WALES: FRENCH ENQUIRIES

SUMMARY

1. All seven photographers to be charged, as a precaution, with involuntary homicide.

DETAIL

2. Further to TUR, the prosecutors' office have just told us that it is likely that the examining magistrate will, as a precaution, charge all seven photographers detained on 31 August with involuntary homicide. This does not imply these charges will be pursued to trial; as TUR explained, the magistrate has discretion to decide at the end of his enquiry against whom, if any, a prosecution should take place.

3. Two of the seven photographers have been released. Three more are likely to be released under what is called judicial supervision with certain restrictions, including a ban on leaving the country. The remaining two, who are the ones identified as having obstructed the paramedics' access to the car in the immediate aftermath of the crash and who will thus be charged with non-assistance, are still being interviewed by the judge. If they are released - and the prosecutors requested they remain detained - it would be under even stricter conditions, including the suspension of their right to work as photographers.

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FCO; PLEASE PASS TO BUCKINGHAM PALACE, PS/PRINCE OF WALES, PS/NO 10

SUBJECT: DEATH OF DIANA, PRINCESS OF WALES: FRENCH ENQUIRIES

SUMMARY

1. Full judicial enquiry to be launched. Charges to be examined include involuntary homicide, involuntarily causing injuries and (most serious in penal terms and most likely to stick) not providing assistance to someone in danger. Against expectations judge may charge one or more photographers with involuntary homicide. Explanation of judicial process.

DETAIL

2. As foreseen in second TUR (not to all), the French public prosecutors have decided that a full inquiry into the circumstances surrounding the death of the Princess of Wales will be opened. The courts have appointed Judge Stephan, an examining magistrate, to head the enquiry. An announcement of this is due later today.

3. The enquiry will examine the possibility of criminal charges under three counts:

(i) the charge of not helping someone in danger at the scene of the accident. This charge, which has a maximum penalty of 5 years in prison, is likely to apply to at least two of the seven photographers who were pursuing the car in which the Princess was travelling and who have been held in custody since 31 August. The prosecutors have requested the continuing detention of two of the photographers, who were identified by eye-witnesses as obstructing the efforts of the paramedics to gain access to the car immediately after the accident. At the moment all are being held and several may be charged on this count.

(ii) involuntary homicide of the Princess, Mr Al-Fayed and their driver (maximum penalty of three years in prison).

(iii) involuntarily causing injuries to Mr Rees-Jones, Mr Al-Fayed's bodyguard, who is the sole survivor.

For the reasons explained in second TUR, although the latter two charges were due to be investigated, the public prosecutors had thought it unlikely that the actions of the paparazzi would be judged to involve a clear enough causal link to the crash to justify a prosecution on those counts. But we understand from a source [REDACTED] that the examining magistrate, who has exclusive authority over this part of the enquiry, may decide today to charge one or more of the pursuing photographers currently held in detention on counts (ii) and (iii). The magistrate is interviewing each of the detainees individually and is due to make a statement later tonight. The prosecutors have also told us in confidence that they understand that Mohammed Al-Fayed's lawyers would launch a private prosecution against the photographers for involuntary homicide if some of the photographers were not charged on this count. (The French prosecutors suspect that the legal tactic in doing so would be to divert at least some of the responsibility for the accident from the Mercedes driver and thus limit the potential for claims by the estate of the Princess or by Mr Rees-Jones against Mr Al-Fayed and/or the Ritz Hotel.)

FRENCH JUDICIAL PROCESS

4. The initial phase of the enquiry following the accident was the preliminary investigation conducted by the Brigade Criminelle (elite police investigators) under the control of the parquet or procureurs (Public Prosecutors). They took the decision overnight that the enquiry should now proceed to the next stage, known in French as the phase d'information or phase d'instruction. This is the main part of the enquiry, which is conducted under the exclusive authority of a juge d'instruction, or investigating magistrate, appointed by the Paris criminal court. The police working on the enquiry become responsible to the magistrate rather than to the prosecutors. The prosecutors and, through them, the Justice Ministry have no direct authority over the magistrate. They can request, for example, that he places suspects in detention (the prosecutors, as noted above, have done so in the case of two paparazzi) but the decision on whether to authorise detention is for the examining magistrate.

5. Under French law, the magistrate is not in general allowed to disclose the contents of his enquiry, although exceptions can be made for interested parties, ie victims' families. It is also open to interested parties to establish themselves legally as such in the course of the enquiry (what is known in French law as acting en partie civile), which gives them the right to have access to information established in the course of the enquiry.

6. This phase of the enquiry concludes when the investigating magistrate decides whether there is a strong enough case to proceed to a prosecution, who is charged and on what counts. The case would be heard before the Tribunal Correctionnel (magistrates' court) by three judges, without a jury. With the conclusion of the enquiry, the investigating magistrate's role ends and the prosecution is conducted by the state prosecutors and the Justice Ministry.

7. The enquiry by the examining magistrate is now underway. It is not yet clear how long it will take; conceivably many months. We will remain in close touch with those involved. The senior investigating officer from Scotland Yard will be calling on the Brigade Criminelle on 3 September.

8. FCO; please advance to PS. PS/Baroness Symons, PS/PUS, Director (Europe), Head of Consular Division and Moran (WED).

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FCO: PLEASE PASS TO BUCKINGHAM PALACE, PS/PRINCE OF WALES,
PS/NUMBER 10

SUBJECT: DEATH OF DIANA, PRINCESS OF WALES: FRENCH ENQUIRIES

SUMMARY

1. All seven photographers placed under formal investigation on charges of involuntary homicide, involuntarily causing injuries and non-assistance to people in danger. All seven released from custody, with restrictions on the case of five. Princess's sister and mother establish themselves as civil parties to the investigation, as do Mohammed al-Fayed and the driver's parents. Explanation of rights of civil parties. Briefing from Scotland Yard on initial contact with French police. [REDACTED]

DETAIL

2. The examining magistrate, Herve Stephan, has decided to place under investigation all seven individuals (6 photographers and a motor-cycle driver) held in custody since the accident on 31 August, on three counts: involuntary homicide, involuntarily causing injuries and non-assistance to people in danger.

3. The seven are [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4. All have been released: [REDACTED] and [REDACTED] without restrictions; [REDACTED] have been forbidden to leave the country and are obliged to report monthly to the examining magistrate. The most severe restrictions are on [REDACTED] and [REDACTED] identified by eye-witnesses as obstructing the work of the paramedics in the immediate aftermath of the crash. In addition to the restrictions placed on the others, they have been stripped of their press cards

and driving licences, forbidden to work as photographers and required to deposit a surety of 100,000 francs. They are also forbidden to make contact with the other suspects or with any of the eye-witnesses to the accident.

5. As my telno [REDACTED] noted, the effective charging of the seven individuals on these counts (technically their placing under formal investigation on the relevant charges) does not automatically mean that all the charges will be taken to prosecution in a court case against all the suspects. That will depend on a judgement by the magistrate at the end of his enquiry on the balance of evidence for and against the individual charges in the cases of each suspect.

CIVIL PARTIES TO THE ENQUIRY

6. The prosecutors' office have told us that Mrs Frances Shand-Kydd, the mother of the Princess of Wales and her sister, Lady Sarah McCorquodale, as executors of the late Princess, have established themselves as civil parties to the enquiry, as have Mohammed Al-Fayed and the parents of the driver, Henri Paul. This does not automatically imply that any of them will bring their own prosecutions. It does mean that they have the right to ask the examining magistrate to consider charging new suspects (ie other paparazzi or even Mr Rees-Jones) in the course of the enquiry, although he is not obliged to agree. And this can be done only on the basis of the charges already established (involuntary homicide and injuring, and non-assistance). Civil parties cannot ask the magistrate to investigate new charges (eg intrusion of privacy); this has to be done through the public prosecutors. They can challenge a decision by him not to take all or part of the case to trial, eg only to prosecute certain suspects on certain charges. This would be possible by challenging such a decision in the appeal court, as was successfully done by Caroline Dickinson's parents after the refusal of the magistrate in that case to conduct DNA tests on the local male population. Anyone with a claim to have been directly affected by the accident can seek to establish themselves as a civil party, up to and including at the time of the trial itself. Even after the case is closed, the civil parties have the right to demand its re-opening, if new evidence comes to light.

UK/FRENCH POLICE LIAISON

7. British law requires a coroner's inquest in the case of any person returned from aboard for burial in Britain, whose death was

not from natural causes. Two coroners have been appointed: the Crown Coroner for the Princess of Wales and the Surrey Coroner (who also happens to be the Deputy Crown Coroner) for Mr Al-Fayed, who was buried in Surrey. Detective Superintendent Rees, the senior investigating officer appointed by Scotland Yard to liaise on the investigation between the French police and the UK coroners, briefed us on 3 September on his initial contacts with the officers of the Brigade Criminelle conducting the enquiry.

8. Given the risk of media suggestions that his appointment suggested the UK had concerns about the French enquiry, we have agreed a press line (sent separately to WED) explaining that his role is simply a liaison one and that his appointment is required by British law. Rees explained that the UK coroner's enquiry would probably not take place until the French process had been finally completed, ie not only the examining magistrate's enquiry but any subsequent trial and sentencing.

9. Rees has agreed with the French that information will be passed informally from the Paris police via this Embassy to Scotland Yard and vice versa. If, subsequently, formal requests for evidence are necessary, this will be done as normal by an international commission rogatoire.

10. Rees reported that photos had been discovered yesterday in London showing the Princess of Wales in the car in the immediate aftermath of the crash. Copies of these would be passed to the French who were themselves looking for evidence of such photos, which could only have been taken by photographers who left the scene of the accident immediately thereafter, as none of the film recovered by the police from the photographers still present included such images.

11. Rees was aware of the possibility of inquiries from lawyers representing Mohammed Al-Fayed or the estate of the Princess of Wales. He had agreed with the French police that all such enquiries addressed to Scotland Yard would be passed to the French. In general, both Rees and my police liaison officer were impressed by the competence and thoroughness of the enquiry being conducted by the French police investigators.

TREVOR REES-JONES

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COMMENT

13. The fact that the late Princess's mother and sister are now parties to the legal proceedings introduces new sensitivities to the criminal investigation, and will increase speculation about civil action on behalf of the late Princess, most probably against al-Fayed interests, notably the Ritz Hotel Ltd, the UK-registered company which employed the driver of the car.

14. FCO: please advance to PS, PS/Baroness Symons, PS/PUS, Director (Europe), Head of Consular Division and Moran (WED).

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PERSONAL FOR PS/PUS

MIPT

SUBJECT: DEATH OF DIANA, PRINCESS OF WALES: POSSIBLE LEGAL ACTION

1. You will see from MIPT that there seems to be a possibility of legal action on behalf of the Princess of Wales's estate against the driver's estate, the Ritz Hotel (his employers), and their respective insurers presumably on grounds of negligence. There have also been earlier reports here that Mohamed Al-Fayed had instructed a lawyer, apparently with a view to taking civil action against the photographers pursuing his son and the Princess.

2. It may be some time yet before we know whether these ideas are pursued. But, if they are, I foresee, on a quick initial view, a number of difficult problems for the British, as well as the French Government:

(a) as the French police pointed out, the Crown could in some way be involved in the action;

(b) we understand that the Ritz Hotel ltd is a UK limited company;

(c) the proceedings, which would be likely to be prolonged, will excite immense media interest.

3. Officials in London will want to make their own assessment of this. But, from the point of view of this Embassy, it would be helpful to have a clear docking point in London for discussing this complex of potentially difficult legal and presentational issues. There may be a case for some sort of inter-departmental machinery.

PAGE 1 of 1
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KEYDOC: THE DEATH OF DIANA, PRINCESS OF WALES: PART ONE OF TWO
SUMMARY

1. The Princess's death and the immediate aftermath.
2. The enquiry begins, but will take time.
3. The overwhelming and sympathetic reaction in France.

DETAIL

THE DEATH OF THE PRINCESS

4. Diana, Princess of Wales died in the Pitie Salpetriere hospital in Paris at around 4am on Sunday 31 August 1997, from internal injuries suffered in a car accident in which her friend, Dodi Al-Fayed, and the chauffeur, Henri Paul, also died and in which Al-Fayed's British bodyguard, Trevor Rees-Jones, was seriously injured.

5. After medical attention at the scene of the accident, an underpass near the Pont de l'Alma in central Paris, the Princess of Wales was brought to the hospital shortly after 2am. My wife and I arrived soon afterwards. We were told by the French Interior Minister, Jean-Pierre Chevenement, who had arrived a few minutes earlier, and by the hospital staff, that the Princess was badly injured but that it was not known if her life was in danger. A bulletin was expected in about 40 minutes. As the night wore on, however, and no bulletin appeared, it became clear that her situation was extremely grave. At about 3.45am, Chevenement was called away from the hospital staff-room in which, he, my wife and I, the Prefect of Police and one or two others had been waiting, to talk to the doctors treating the Princess. He returned around 4.00 am, took my wife and me aside, and told us that the Princess of Wales was dead. He was visibly moved. The hospital doctors joined

us immediately afterwards to explain that they had done all they possibly could to save the Princess, but that her internal injuries had been too serious.

6. My Consul-General, my Press Secretary and I had been in constant touch with the Royal Household at Balmoral, 10 Downing Street, the Foreign Office Resident Clerk and your party in Manila, since we first received news of the accident. I telephoned Robin Janvrin in Balmoral to tell him of the Princess of Wales's death and spoke afterwards, too, to Sir Robert Fellowes. The Prime Minister's office, the Resident Clerk and your party were also told at once. Chevenement and I had agreed that as soon as possible after these calls had been made we would tell the press. They were already gathered in their hundreds outside the hospital, though well controlled by the police. Rumours of the Princess's death began to circulate almost at once. I agreed with Chevenement that the hospital authorities should formally announce the death, and that he and I would make short statements afterwards.

7. At about 5.30 am, as we were walking across the hospital grounds to the lecture room which had been converted into a temporary press centre, Mohammed Al-Fayed, who had flown by helicopter from his home in Southern England, was driven into the grounds. Chevenement and I confirmed that his son and the Princess of Wales were dead, and tried to comfort him.

8. The press conference was a scrum, with journalists of various nationalities gathered round or leaning across the table behind which the hospital doctor, Chevenement and I sat, with cameras and microphones a few inches away from us. The hospital doctor gave the medical details of the Princess's death. Chevenement expressed the sympathy of the French people and described the circumstances of the accident as he then knew them. I expressed the sorrow and loss that we had all felt at the Princess's death, said that our thoughts and prayers were with her family and friends and the families and friends of the others who had died, and thanked the French authorities and hospital staff for their help.

9. When we were back in the intensive care wing, Chevenement told me that the French Prime Minister, Jospin, was on his way from La Rochelle to pay his last respects to the Princess, and that he himself would like to do so. I explained that paying last respects was not a strong British or Anglican tradition. But I thought it right that Chevenement, who wanted to pay his respects to the

Princess and who had shown exceptional compassion and sensitivity, as well as efficiency, throughout the night, should be allowed to do so. My wife and I were with him. I agreed with the Royal Household that we should try to keep those paying their respects to a minimum, but that we should not offend against strongly held French traditions. In the event, Madame Chirac came to the hospital about 9.00 am and Prime Minister Jospin came 20 minutes later. My wife and I accompanied Madame Chirac, and I accompanied Jospin. Later, the Health Minister, Bernard Kouchner, who had known the Princess of Wales, paid his respects to the Princess. My Consul-General was with him. Later in the morning, Father Martin Draper, the Anglican Archdeacon of France, came to the hospital at my wife's and my request and, in our presence, said the Commendatory Prayers from the Book of Common Prayer. The hospital's Catholic chaplain had been with the Princess for part of the time, and I thought it right that an Anglican priest should spend some time with her too.

10. It was agreed with the hospital authorities that the room where the Princess lay should be guarded and that access to the corridor approaching it should be forbidden to anyone other than hospital staff except with my permission or that of my Consul General, who remained at the hospital throughout the day.

11. The Royal Household and I agreed that the Princess's body should, if possible, return to Britain that day. The French authorities agreed, and did everything they could to ensure that the necessary formalities were completed quickly. The Royal Household told us around lunchtime that the Prince of Wales would arrive in the afternoon, accompanied by Lady Sarah McCorquodale and Lady Jane Fellowes, to collect the Princess's body. The detailed arrangements for this were complicated and had to be made quickly. Flexibility was needed on all sides. The French authorities were, once again, extremely helpful. Difficulties, which in other circumstances might have become serious, evaporated at once. At one point President Chirac himself came on the phone to talk about arrangements for greeting the Prince of Wales and the Princess's sisters at the hospital. He was determined that the arrangements should be as trouble-free and dignified as possible and that the Princess should have a proper send-off from French soil. President Chirac and Prime Minister Jospin appreciated the Prime Minister's telephone calls to them during the day.

12. The Prince, the Princess's two sisters and their staff arrived at Villacoublay military airport at about 5.00 pm. I accompanied

the Prince to the hospital and my wife the Princess's sisters. At the hospital we were greeted by President and Madame Chirac, the French Foreign Minister, Hubert Vedrine, and the Health Minister Kouchner. The Prince of Wales and Lady Sarah and Lady Jane, accompanied by Father Martin Draper, spent a few moments with the Princess. The Prince of Wales then thanked the hospital staff and the police for their help. The Princess's coffin, draped in the Royal Standard, was carried from the hospital to the waiting hearse, and the cortege left for Villacoublay. There were large crowds at the start of the route, who clapped softly and waved as the hearse went by. At Villacoublay, RAF pall-bearers carried the coffin from the hearse to the aircraft. The Prince and the Princess of Wales left French soil at about 6.30 pm.

THE ENQUIRY

13. The initial enquiry into the accident in which the Princess was killed was carried out, according to French law, by the Judicial Police under the authority of the Public Prosecutors. Conscious of the exceptional importance of the case and the enormous media interest, the French assigned the elite investigators of the Brigade Criminelle, under the authority of two investigating magistrates, to carry out the full judicial enquiry.

14. Attention focused at first on the autopsy carried out on Henri Paul, the Deputy Security Manager of the Ritz Hotel, who had driven the car containing the Princess and Mr Al-Fayed, following a last minute change of plan aimed at diverting the waiting paparazzi. Initial samples of his blood indicated over three times the legal limit of alcohol. This was challenged by a UK pathologist engaged by the Al-Fayeds. The French authorities carried out a third test, including the medically more conclusive sample of fluid from the white of the eye which confirmed the alcohol level, and also showed that Paul had been taking anti-depressants.

15. With Paul's condition established, attention turned towards what role the paparazzi played in the events leading up to the accident and in the immediate aftermath. Seven photographers present at the scene of the accident were taken into custody that night and three more were detained later. All have now been placed formally under investigation on possible charges of involuntary homicide and injuring and failing to provide help to a person in danger. The police are looking for two or three more thought to have been pursuing the car. Privately, the prosecutors do not

expect charges to be pressed to trial against any of the paparazzi on the counts of involuntary homicide and injury, any causal link between their pursuit of the car and the accident being too weak, particularly given the state of the driver. But there is eyewitness evidence that at least a couple of the photographers not only failed to provide help in the immediate aftermath of the accident, but actually obstructed the access of the paramedics to the car. So the charge of non-assistance looks more likely to stick.

16. The police are now focusing on reconstructing events in the immediate run-up to the accident. This will involve a forensic examination of the car. They are continuing to seek eyewitness evidence as to other cars which might have been present at the scene, one of the hypotheses being that M Paul lost control while braking suddenly on discovering another car in front. The evidence of Trevor Rees-Jones will be crucial in this respect.

JAY

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KEYDOC: DEATH OF THE PRINCESS OF WALES, PART TWO OF TWO

REACTIONS IN FRANCE TO THE PRINCESS'S DEATH

17. France has reacted to the Princess's death with an intensity of feeling not seen for many years, perhaps not since de Gaulle died nearly 30 years ago.

18. Within hours of the accident, tributes to the Princess were arriving at the Embassy: telephone messages, letters, flowers, children's drawings, gifts of money. Almost all came from ordinary French people quite unknown to us. Thousands signed books of condolence here and in all five other career posts in France, often leaving long messages or handsome bouquets of flowers. We had five open at once in Paris. Many people also left flowers and messages near the site of the tragedy and at the hospital where she died. British visitors to France were often greeted with expressions of sympathy.

19. In the days which followed, English-speaking churches across France organised memorial services, attended by many from local French communities. Here in Paris, the two main Anglican churches, under the leadership of Father Martin Draper, organised a moving memorial service at the church of La Madeleine. The other Protestant churches of the Paris region and the Catholic Church gave their support. The Archbishop of Paris, Cardinal Lustiger, was represented by one of his auxiliary bishops. The former Bishop of St Alban's, John Taylor, preached. The French Health Minister, Bernard Kouchner, represented the French Government. St phane Manton, a campaigner on behalf of AIDS victims who had met the Princess on her first official visit to France in 1998 and who now works for the head of the French Red Cross, read one lesson. I read the other. Well over 3,000 people attended, spilling out into the Place de la Madeleine and the Rue Royale, which the police had closed for the service. Most of those present were French.

20. The French media mirrored these popular reactions. For more than a week after the accident, the event itself and its consequences dominated the papers, television and radio. More than three weeks later, it continues to feature prominently, with acres of newsprint and many broadcast hours devoted to Diana's life and work, and to the investigation of the accident. National television suspended scheduled programmes in the immediate aftermath of the tragedy and to cover the Princess's funeral live. 9.7 million French people are believed to have watched it.

21. The tone of this coverage was overwhelmingly positive. Huge admiration for the Princess, deep and genuine sorrow at her death and at the manner in which it occurred, and sympathy for the two young Princes were all evident. So was interest in reactions in Britain, often accompanied by analysis of the consequences for the monarchy. Intellectuals tried, in characteristically French fashion, to explain the scale and nature of worldwide reaction to the Princess's death. But few had anything original to add. Negative comments were few, confined mostly to the letters columns.

22. Describing these reactions is easier than explaining them. Republican France's fascination with our monarchy is an obvious point of departure. But the extraordinary power of the reaction in France was, and is, personal to the Princess. The French people and press saw her as a genuine star. She was loved and admired here, perhaps mostly for the qualities of modernity and elegance to which Chevenement had referred in his statement announcing her death. The fact that the accident occurred in France added to the intensity of the interest. But, above all, it was a sense that in death, as in life, Diana, Princess of Wales was someone with whom the people of France felt a close connexion. I have detected no significant feeling of shame that her death occurred in France.

CONCLUSION

23. The death of Diana, Princess of Wales, in a tragic accident in Paris has become and will remain an important shared event in our common history. As so often in the past, Britain and France have found themselves linked by tragedy inspiring strong emotions. It has drawn the two peoples closer together. We must make sure that this is not undone in the months ahead by differences over the investigation or subsequent litigation.

24. I am immensely grateful to the staff of this Embassy,

locally-engaged and London-based, for their support in the hours and days following the accident. Their response showed the value of the traditional - but far from old-fashioned - virtues of dedication, loyalty, compassion, hard work and straightforward common sense.

25. FCO please copy this despatch to PS/No.10, PS/Secretary of State for the Home Department, PS/Secretary of State for Defence, Sir Robert Fellowes, Buckingham Palace and Sir Robin Butler, Secretary to the Cabinet.

JAY

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ANNEX B

PM's attendance at the Queen Mother's funeral

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

21 February 2005

Dear Mr Thomas

Reference: 213/qm

Further to my letter of 1st February I am writing to advise you that having considered the balance of public interest the Prime Minister's Office has decided to disclose the majority of the information you requested surrounding the Prime Minister's attendance at the Queen Mother's funeral.

The information we are disclosing is attached to this letter. This information consists of the following:

- a) Letter dated 10th April 2002 from Jeremy Heywood, then Principal Private Secretary to the Prime Minister to Charles Moore, then editor of the Daily Telegraph;
- b) Correspondence between Alastair Campbell, then Director of Communications and Strategy and Charles Moore;
- c) Two letters from Alastair Campbell to Veronica Wadley, editor of the Evening Standard;
- d) Three letters from Alastair Campbell to Peter Wright, editor of the Mail on Sunday;
- e) Five letters from Alastair Campbell to Boris Johnson, editor of the Spectator;
- f) Correspondence between Alastair Campbell and the Press Complaints Commission;
- g) Letter dated 13th June 2002 from the Prime Minister to Ian Duncan-Smith, then Leader of the Opposition.

In line with standard procedure across Government the names of officials have been redacted from these documents.

I also attach for your convenience the information held by the Prime Minister's Office that is already in the public domain. This information was released to the media on 14th June 2002.

Having carefully considered the balance of public interest the Prime Minister's Office has decided that the rest of the information you requested should be withheld for under the exemption in section 35(1)(a) (Formulation of Government Policy) for the reasons outlined below. This information consists of internal memos discussing the Prime Minister's complaint to PCC.

The Prime Minister's Office accepts that there is a legitimate public interest in the Prime Minister's attendance at the Queen Mother's funeral. However we believe the public interest falls in favour of withholding this information for the following reasons.

It is in the public interest that:

- decision making is based on the best advice available and full consideration of all the options;
- advice should be broadly based – there may be a deterrent effect on experts or stakeholders who might be reluctant to provide advice because it might be disclosed.

I cannot provide you with this information.

If you have any questions regarding the way your request has been handled then please contact me.

Yours sincerely

DANIEL THORNTON

Mr Michael Thomas



10 DOWNING STREET
LONDON SW1A 2AA

file Blair.

From the Principal Private Secretary

10 April 2002

Dear Mr. Moore,

Peterborough today claims that the Prime Minister's office wanted him and Mrs Blair to 'appear, on foot, just a couple of minutes before the Royal procession' at Westminster Abbey and that our intention was that the Prime Minister and Mrs Blair would be 'walking along glad-handing the crowd and looking sombre.' As the Civil Servant responsible for Downing Street liaison with the Royal Family over the funeral arrangements, I can tell you this report is totally without foundation. I would be grateful if you would publish this letter by way of correction.

Yours sincerely,

JEREMY HEYWOOD

Charles Moore
The Telegraph



10 DOWNING STREET
LONDON SW1A 2AA

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Director of Communications and Strategy

11 April 2002

Not for Publication

Dear Mr. Moore,

I have been wondering lately if there are any depths to which you cannot be dragged by your rage at the fact that New Labour is in power and, despite your newspaper's efforts, in power for a second term.

That you could turn the extraordinary events of The Queen Mother's funeral, and the sense of national unity and pride they generated, into an attack on New Labour, as you did in your column yesterday, suggests there aren't.

Your supporting Peterborough's item about Downing Street's involvement in the funeral arrangements, and the claim that No10 wanted the Prime Minister and Mrs Blair to appear, "on foot, just a couple of minutes before the royal procession...walking along glad-handing the crowd and looking sombre," is in addition a lie, which Jeremy Heywood – the most senior permanent civil servant in Downing Street who oversees relations between the Prime Minister and the Royal Family – has sought to correct with a letter for publication. I can see from reading your own article why you would wish to publish the Peterborough item. It is a lie nonetheless. Yesterday, my office was told by your letters page that you intended to publish Jeremy's letter. He in turn has been told by you that the newspaper intends no such thing. You are effectively calling into question the personal integrity of a senior civil servant who has served governments of both main parties with distinction. Your refusal to publish his letter is an extraordinary decision and I hope you will reconsider. To repeat, as anyone here or at Buckingham Palace will confirm, there is no truth whatsoever in the Peterborough story.

Knowing how strongly you feel about lying, I'm surprised you do not feel any responsibility to correct the lie which appeared in your newspaper yesterday.

Yours sincerely
Alastair Campbell

AC **ALASTAIR CAMPBELL**
Director of Communications and Strategy

Mr Charles Moore
The Editor
The Daily Telegraph

The Daily Telegraph

1 CANADA SQUARE CANARY WHARF LONDON E14 5DT
WWW.TELEGRAPH.CO.UK

DIRECT LINE: 020 7538 6301/6312 FAX: 020 7538 7654

FROM THE EDITOR

CC ~~XXXX~~ J. Heywood

PRIVATE AND CONFIDENTIAL

Alastair Campbell Esq.
No 10 Downing Street
London
SW1A 2AA

12th April, 2002

Dear Alastair,

Because of a fault in the Downing Street fax, your letter arrived just after I had left the office last night. It is really a very extraordinary letter, and I hope that, on reflection, you will think better of it.

You accuse *The Daily Telegraph* of publishing and persisting in a 'lie'. A lie is not an error: it is a deliberate untruth. You are entitled to say that our story was mistaken, but you have no warrant for saying that we published a deliberate untruth.

Referring to Mr Heywood's letter, you say that I am 'calling into question the personal integrity of a senior civil servant'. This is not so - I leave that sort of thing to Stephen Byers -and I understand the problems that confront career civil servants like Mr Heywood when they have to deal with political operators such as yourself. Our difficulty is that we receive huge number of letters from the Government - sometimes from ministers, sometimes from civil servants, sometimes from spin-doctors - who seek to deny stories which we have run. Sometimes these letters make justified corrections of fact but sometimes they contradict stories which we know to be true: it would not be right for us to publish all of them indiscriminately.

2

/Alastair Campbell Esq.

I have no wish to quarrel with Mr Heywood about this, and I am happy to discuss with him or you the possibility of reaching agreement, but I feel that we can only do so if good faith is accepted. I would therefore ask that you withdraw the accusation that *The Daily Telegraph* has lied. If you do this, I am sure that we can move forward.

Yours sincerely,
Charles

CHARLES MOORE



10 DOWNING STREET
LONDON SW1A 2AA

cc. J. Heywood
✓
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Director of Communications and Strategy

12 April 2002

Not for publication

Dear Mr Moore

Thank you for your letter. I am travelling with the Prime Minister in the North East, but I have had the gist of it read over to me. I am sorry if it caused you offence, but that is exactly what the offending item and your subsequent handling of it has done to us.

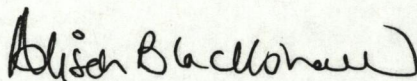
Though I could have expressed myself more gently, I do not resile from the view (reinforced by this week's Spectator) that there are political motives for seeking to present the Prime Minister as having tried to interfere in the arrangements of the funeral.

I also strongly believe that the paper should have checked with us, Buckingham Palace, and the Abbey, all of whom would have been able to make clear that the arrangements for all parts of the lying in state and the funeral had been planned over a long period, and that at no point had we tried to change them.

All that being said, I am happy to accept that the newspaper did not deliberately lie but took in good faith a false claim made by others.

I therefore continue to believe that the best way to resolve this is by publishing Jeremy Heywood's letter. I will be back in the office by late afternoon if you wish to discuss this further.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Alastair Campbell', written in a cursive style.

ALASTAIR CAMPBELL
Director of Communications and Strategy

Charles Moore
Editor
The Daily Telegraph

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

18 April 2002

Thank you for your reply to my letter of 12th April 2002.

As you know, there are a number of publications involved in this, and I am waiting to get all replies before responding in detail.

ALASTAIR CAMPBELL

Veronica Wardley
Editor
Evening Standard
Fax 020 7937 2849

(H)

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

23 April 2002

As a courtesy, I am writing to inform you that we are lodging a complaint with the PCC over your article of April 12th 2002 headlined "The Queen has put Blair in his place."

I am sorry that you chose not to resolve this by agreeing to a correction and apology for a story that is totally untrue. No doubt the PCC will be in touch.

ALASTAIR CAMPBELL

Veronica Wadley
Editor
The Evening Standard

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

18 April 2002

Thank you for your reply to my letter of 15th April.

Obviously we're keen to resolve this as soon as we can, so I look forward to your detailed reply.

ALASTAIR CAMPBELL

Mr Peter Wright
Editor
Mail on Sunday
Fax 020 7937 6721

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

15 April 2002

In the Mail on Sunday yesterday, Simon Walters repeated the false claims made by other publications that Downing Street sought to change the Royal Family's arrangements for the Lying-in-State of The Queen Mother, to enhance the Prime Minister's role in proceedings. He did so having been told by Godric Smith that the story was totally untrue when they spoke on Saturday.

The Prime Minister has asked me to tell you that unless you print a correction and apology, which makes clear unequivocally that this story is untrue, and you accept it to be untrue, we will be making a complaint to the Press Complaints Commission, under Clause 1 of the Code.

A great many things are written about the Prime Minister which are totally untrue, and which we simply let pass. The Prime Minister is not prepared, however, to allow you and other publications to publish malicious inventions like this. We, Buckingham Palace, and the Westminster authorities are all absolutely clear that at no time did Downing Street seek to change The Royal Family's detailed planning for these events.

I well understand the political motivation behind these claims, and the reasons you would wish to publish them. However, I can assure you that the Prime Minister is serious in his determination to see them corrected.

ALASTAIR CAMPBELL
Director of Communications and Strategy

Peter Wright
Editor
Mail on Sunday
Via fax 020 7937 6721

2

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

23 April 2002

As a courtesy, I am writing to inform you that we are lodging a complaint with the PCC over your article of April 14th 2002 headlined "How Blair tried to hijack Royal Funeral."

I am sorry that you chose not to resolve this by agreeing to a correction and apology for a story that is totally untrue. No doubt the PCC will be in touch.

ALASTAIR CAMPBELL

Peter Wright
Editor
The Mail on Sunday

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

11 April 2002

Not for publication

I will consider your request for an article by the Prime Minister in due course. Before I do so, I would ask you to publish a correction and apology in next week's edition over Peter Osborne's mendacious claim that Downing Street complained about the Prime Minister's role in the arrangements for The Queen Mother's lying-in-state, and asked that he be present to greet The Queen. I know that your Party and its press supporters are in a total rage at the fact that Labour is in power, governing better than you did, but to let that rage lead it to such lies over what was a remarkable unifying event is beyond the pale.

I read somewhere that Osborne is publishing a pamphlet on Labour lies. He should clean up his own act first, and you yours as the person ultimately responsible for this content of your magazine.

I suggest the following for publication next week.

"In his article last week, Peter Osborne reported that Downing Street complained about the Prime Minister's role in the arrangements for The Queen Mother's lying-in-state, and asked that he be present to greet The Queen. We accept that this story is untrue and that the Prime Minister's office made no demands at all to change the arrangements as planned by The Royal Family. We apologise to the Prime Minister for the offence caused. We have agreed to make a donation to a charity of his choice."

ALASTAIR CAMPBELL
Director of Communications and Strategy

Boris Johnson
The Spectator

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

18 April 2002

Thank you for your reply to my letter of 11th April 2002.

As you know, there are a number of publications involved in this, and I am waiting to get all replies before responding in detail.

ALASTAIR CAMPBELL

Mr Boris Johnson
Editor
Spectator
Fax 0207 440 9277

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

26 April 2002

NOT FOR PUBLICATION

Thank you for your letter of 25th April. As you know this is now in the hands of the Press Complaints Commission. It is for them to decide whether you were right to state as a fact that Downing Street sought to change the arrangements of The Queen Mother's Lying-in-State in order to give the Prime Minister a greater role. I think it best to let the Press Complaints Commission process take its course.

Could I also correct a couple of things. You said of our complaint that you were sorry that I made the decision to go to the PCC. I can assure you this is the Prime Minister's decision, and one I totally support given the nature of what was reported.

I also note that Stephen Glover made a rather glaring omission in his column this week – carefully ignoring the on the record denial by Black Rod of your story.

ALASTAIR CAMPBELL

Mr. Boris Johnson
Editor
The Spectator.
By Fax: 020 7242 0603

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

30 April 2002

Thank you for your letter of 30th April. Any information the PCC requires will be provided to it.

ALASTAIR CAMPBELL

Boris Johnson
Editor
The Spectator
BY FAX 020 7242 0603

(1)

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

14 June 2002

It's great to see you haven't lost your sense of humour.

I'm amazed it cost you £9,000 for that pathetic defence you put to the PCC. Some of it would have been better spent on a few sedatives for your over-excited contributors.

I'm sorry you and yours are continuing to peddle malicious twaddle on this; but there we are. Desperate people in your desperate party will do and say desperate things to try to undermine a strong Prime Minister leading a successful Government delivering on its objectives to make Britain fairer, stronger and more prosperous.

Re the piece on the US, it's probably better for the current nonsense to pass before I waste any of the Prime Minister's time by asking him even to think about it.

ALASTAIR CAMPBELL

Boris Johnson
Editor
The Spectator
56 Doughty Street
London

(C)

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

8 May 2002

Further to our telephone conversation I am writing to set out my concern at the way the publications involved in our complaint, and their sister publications, are covering the complaints, and the issues surrounding them.

Since we made the complaint, we have, as you would expect, made clear that as the issue is in the hands of the PCC, it is not appropriate for us to comment further.

There have been many stories, articles and columns about the complaints. Of course, there was bound to be media interest and comment. It is clearly newsworthy if the Prime Minister makes a formal complaint to the PCC. However, I think the case can be made that some of these articles are part of an attempt to move the goalposts and to influence the outcome, rather than leave the PCC to do its job. In particular, parts of the media, especially those at the centre of the complaint, are seeking to present this as a complaint by me, rather than the Prime Minister, and that it is about my and our general relations with the media, rather than about the Prime Minister's determination that newspapers should not report a false claim that he, and his officials on his behalf, sought to enhance his role in the Lying-In-State of the Queen Mother. The Spectator has carried several articles, including by Peter Osborne on the Prime Minister's "mad obsession" with the press, and by Stephen Glover, under the headline "Who is the most trustworthy: Alastair Campbell or Black Rod?" which filled a whole page on the issue without finding space to report that Black Rod had denied the story in similar terms to our own.

You should also know that both the Spectator and the Mail on Sunday have made inquiries to the press office in relation to the original story, despite us making clear to them that any information on this will be supplied to you not them. I would put the Mail on Sunday's story of April 28 in the "moving the goalposts" area.

In addition we have received calls from college friends of Clare Sumner making clear that the Mail on Sunday in the form of a reporter named Louise Pritchard, are investigating her past. As I've explained to you, Clare is happy to provide anything the PCC believes is relevant to the complaint, and your examination of it. But I wonder whether a paper looking into her private life in this way is not simply harassment as they seek to build a post facto case for publishing a false story.

Finally, I understand that the Mail on Sunday are saying to the press, and others, that they should be treated differently, because they sought to check the facts, unlike the Spectator and the Standard. I would point out on that that they did not make any effort to check the facts with us. As I made clear in the original letter of complaint, no specific claims were put to us at all. The only reason they were able to carry a denial was because at my suggestion, knowing the Mail on Sunday was likely to follow up the Spectator story, Godric Smith called Simon Walters to point out the story was wrong. I have never doubted that the Mail on Sunday, and indeed Osborne, had some kind of source who was making these false claims, but no effort was made to put the claims to us.

ALASTAIR CAMPBELL

Mr Guy Black
PCC

10 DOWNING STREET
LONDON SW1A 2AA

From the Director of Communications and Strategy

7 June 2002

Dear Guy

Further to our discussion, this is to confirm the following suggested amendments.

In the press release, paragraph 3 line 3, after "newspapers concerned," insert "... it is clear that though there is agreement there was contact between No 10 civil servants and Black Rod's office to discuss what was expected of the Prime Minister in the proceedings, all of the papers make clear they accept that the Prime Minister was not involved in any of these contacts. Following an approach by the PCC,"

Re your letter to me, in paragraph 4, delete the section in brackets, and in the final full line of that paragraph delete "these events" and insert "this issue"

In the paragraph beginning "However", in line 2, delete "himself".

In the penultimate paragraph, line 2, delete "to clarify"

Re my letter to you, in paragraph 1 line 2 delete "in any way", delete "personally" in line 3 and in line 4.

In paragraph 2, line 3 delete "we are all agreed". In paragraph 4, insert at the beginning "based upon the newspapers' evidence". Delete "however" at the start of the next sentence.

Since our discussion, the Prime Minister has asked me to insert two points into my reply to you, first making the point that our view is that the civil servants are trustworthy, and secondly making clear that if the papers at any stage seek to restate their claims against the Prime Minister, he reserves the right to go back to the PCC for adjudication. He is drafting something himself this afternoon, but in

any event I have sought to incorporate these points in the draft I am sending over to you and like you I am hopeful this can be resolved in the next day or so.

I enclose complete versions of how the revised correspondence would look.

Yours sincerely

ALASTAIR CAMPBELL

Guy Black
Press Complaints Commission

02073539392

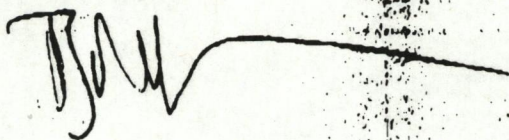
Press Complaints Commission

And during our investigation so far, nothing has been provided by way of fresh evidence to suggest otherwise.

As your main concern has always been to have it agreed and accepted that the Prime Minister did nothing wrong or disrespectful, I wonder if on that basis you would consider that this is a suitable outcome to the complaint and that the matter is now resolved accordingly? If that is the case, we would not pursue the matter any further and close the file.

I would be grateful if you could let me know how you wish us to proceed.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Toulmin', with a long horizontal flourish extending to the right.

Tim Toulmin

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

10 June 2002

Thank you for your letter. You are right that our purpose in all this has been to have it accepted that it was false to claim that the Prime Minister sought to exploit the death of The Queen Mother, to enhance his role in the proceedings or that he did anything wrong or disrespectful to The Queen Mother and the Royal Family.

I agree that none of the publications seeks to make the case in the submissions of defence to our complaint that the Prime Minister was involved in any way in the discussions that took place about the arrangements. Whilst in the reports published, the papers may have sought to give the impression that the Prime Minister was seeking to enhance his role, they accept that this is not the case, and your investigation to date appears to prove our point on this.

I also fully understand the difficulties that face the PCC in a case such as this, where newspapers are relying on sources they wish to protect and whose account is at odds with that put forward by the No. 10 civil servants. For our part, as our evidence to you makes clear, we believe the civil servants did nothing more than seek to establish what was expected of the Prime Minister. They are professional career civil servants whose loyalty is to the government of the day, whatever its political persuasion, and whose honesty and trustworthiness the Prime Minister does not doubt.

Based upon the newspapers' own evidence, let alone ours, it is my view that any adjudication would find that the Prime Minister had nothing whatever to do with these contacts, had never sought to enhance his role or exploit The Queen Mother's death in any way. It also seems to me that your investigation has already proved that point and accordingly, we see no need to pursue the matter further.

The Prime Minister is content with your clear view that there is no suggestion that he was in any way involved in any discussions about seeking a greater role in the arrangements or indeed that he was even aware such discussions were taking place, and that any suggestion that he sought such a role is false. However, he wants to make it clear that should the newspapers concerned, or other newspapers, seek to suggest otherwise, following publication of this exchange of correspondence, he will wish to go back to the PCC and request a definitive ruling.

I am very grateful to you for your role in the resolution of this matter.

ALASTAIR CAMPBELL

Tim Toulmin
Press Complaints Commission.

10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

10 June 2002

Dear Tim,

Further to our conversation, we agreed.

In paragraph 5 of your letter to me, delete "it is arguable" and insert "on the basis".

In the draft statement from Professor Pinker, delete "it is the complainant's view that". In the same sentence, insert "they accept" after "all of the papers make clear".

If you could get your final letter back to me, I'll send off my reply this afternoon.

Yours sincerely,

ALASTAIR CAMPBELL

Tim Toulmin
Press Complaints Commission



10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

13 June 2002

Dear Iain,

Thank you for your letter of 13 June. You appear to be confusing two separate events.

The Daily Telegraph story stated that Cherie and I intended to walk to Her Majesty Queen Elizabeth The Queen Mother's funeral at Westminster Abbey on Tuesday 9 April.

The story was totally without foundation as Jeremy Heywood's letter, also published in the Daily Telegraph, makes clear.

We have also dealt today with the allegations concerning the arrangements for the Lying in State at Westminster Hall on Friday 5 April, a completely separate event. I attach a copy of the statement on this issued today.

Yours ever
Tony

The Right Honourable Iain Duncan Smith MP

Information released to the media
on 14th June 2002

14/6/02

Statement by the Prime Minister

STATEMENT BY THE PRIME MINISTER

I agreed to settle the PCC case on the basis that the newspapers had made clear they accepted I did nothing wrong or improper in relation to the events surrounding the death of Her Majesty Queen Elizabeth The Queen Mother.

It is clear that far from accepting that, they continue to publish false accounts of what happened during that period. I had hoped to avoid an unseemly public row about this but in the light of the contrary reports being put into the public domain, I am today publishing a chronology of contacts with Black Rod's office, and I am also publishing the evidence we submitted to the PCC.

I believe it shows that the civil servants in Downing Street did nothing more than seek to establish what was expected of me, and that this was done, quite properly, without reference to me. I have absolute confidence in the integrity of the civil servants involved in these discussions. They are career civil servants who have served Labour and Conservative governments.

I know the public is far more interested in issues of policy, the economy, jobs and living standards, public services, than this. So am I. They are the issues I spend my time dealing with.

But when false and serious allegations continue to be made like this, I feel I have to try to set the record straight.

I should add that at no time have I, or anyone on my behalf, received a complaint from the office of Black Rod.

14 June 2002

LINKS AND FURTHER INFORMATION

[Chronology of contacts with Black Rod's office](#)

[Download the evidence document submitted to the PCC \(PDF\).](#)

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10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

24 April 2002

Dec. 12/02

I am writing to make complaints against the Spectator, The Evening Standard, and The Mail on Sunday in respect of articles about the Prime Minister's role in the Lying-In-State and the funeral of the Queen Mother. (I attach copies of the articles concerned). I am making the complaint under Clause One, covering accuracy.

To take the articles one by one:

The Spectator of April 13th published an article by Peter Osborne headlined "How Tony Blair tried to muscle in on the mourning." The article referred to a phone call from Downing Street, during which an official at the Palace of Westminster was told that the Prime Minister was "unhappy", and that "in particular he felt that the arrangements did not recognise his importance and he wanted them changed. He felt he should be present at the north door of Westminster Hall to greet the Queen when she arrived ahead of the coffin."

The article claimed, therefore, without any equivocation, or substantiation, and without having given the Prime Minister or his office the opportunity to make clear the story was not true, that the Prime Minister was unhappy with the arrangements and sought to change them so that he could be given an enhanced role. This is totally without foundation.

On the day of publication, I wrote to the editor, Boris Johnson MP, asking for a correction and apology, and a donation to charity. I made clear that I viewed this inaccurate account as politically motivated, and mendacious. He argued that Osborne must have had a source for the story. I said it was not for me to know whether Osborne had a source or not, but the story was untrue and must be corrected.

denial as no more than that – a denial, which they did not accept to be true. The initial inaccuracy would therefore go rebutted but uncorrected.

On April 14th, the Mail on Sunday published an article headlined, "How Blair tried to hijack royal funeral." This was essentially the same story, with some extra "detail." First, the headline extended the claim of the Prime Minister's alleged attempts to get a bigger role to the funeral itself. Not true. The story stated that a Downing Street official explicitly "asked if the Prime Minister would be able to meet the coffin and the Royal Family when they arrived at Westminster Hall." Not true. It named the Downing Street official who spoke to Black Rod as Clare Sumner. True. It said Number Ten was "disappointed" at the role the Prime Minister actually had. Not true. It also reported claims that the government had tried to reduce the length of the period of Lying – In – State because we feared that insufficient people would pay their last respects to the Queen Mother. Not true. The paper quoted an unnamed "royal aide" who reportedly claimed that the Queen was told of these views and 'insisted that Number Ten be told it was her personal wish that the designated period should remain.' Buckingham Palace have confirmed to us that this claim is totally untrue. The paper also claimed that Ms Sumner was likely to have acted on the instruction of me or of the Prime Minister himself. She did not. She was rightly preparing a note for the Prime Minister to inform him of what was expected of him in the ceremonial events following the death.

The paper did carry a general Downing Street denial at the end of the story, but it is dwarfed by the headline, and the litany of inaccurate claims which go before it. None of the specific claims were put to us in advance of publication. On Saturday, as there is no general briefing, one of the Prime Minister's spokesmen (in this case Godric Smith) rings the Sunday paper political editors individually. I'd asked him to make clear to anyone minded to follow up the Spectator story that it was absolute rubbish. He communicated this to Simon Walters of the Mail on Sunday who said they were running something, because they knew there had been a phone call between No. 10 and Black Rod. Mr. Smith said nobody had ever disputed there had been calls between these offices, but the claim that we had sought to change the arrangements was totally false.

I wrote to the editor, Peter Wright on April 15th, in similar terms to my letter to Veronica Wadley. Late on Friday, April 19th, he replied as follows:

"I am afraid the only untruths in this matter emanate from Downing Street.

"Our main source for the story, who has a precise and intimate knowledge of the conversation between Clare Sumner and Black Rod, has confirmed categorically that our account is accurate.

"I also understand that the same confirmation of the accuracy of our story has been given both to you and the Press Complaints Commission.

"To suggest, therefore, that we published 'a malicious invention' is not only wrong, but a disgraceful slur on the integrity of our journalists.

"I must ask you to withdraw this allegation and apologise forthwith."

He refers to "confirmation of the accuracy of our story being given to me". No such confirmation has been given. No such confirmation could be given, because the story is untrue.

On Sunday April 21st, below an interview with Black Rod, the paper returned to the story (attached). It was essentially the same story, with claims by "sources close to Black Rod" that the initial story published a week earlier was true. It also reported that Downing Street, the PCC and Buckingham Palace "have all been informed by authoritative sources in the Palace of Westminster that The Mail on Sunday report was correct in all regards". It was not, and no amount of anonymous quotations under the byline of Simon Walters will change that.

Another anonymous official purportedly from Black Rod's office was quoted as saying, "Downing Street was told that no one was going to tell lies on their behalf." Nobody has been asked to.

The truth is contained in Black Rod's statement following the Spectator's initial story, which said: "In the aftermath of the news of the death of the Queen Mother I was contacted by Number 10 to brief them on the Prime Minister's role. At no stage was I asked to change the arrangements". None of the papers concerned published the statement, though the Standard and the Mail on Sunday did refer to the denial.

When the story was repeated in the Standard, Clare Sumner again spoke to Black Rod to discuss how best to handle this. Her notes show that he said the following: he understood her role; and that she never once made any suggestions about changing anything.

The Prime Minister has many things written about him that are untrue, and which we let pass. But he finds the suggestion that he would wish to change the long planned arrangements for these events, in order to gain himself a higher profile within them, deeply offensive, and he also knows these allegations to be untrue. He has therefore instructed me to make this complaint against the 3 publications.

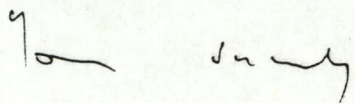
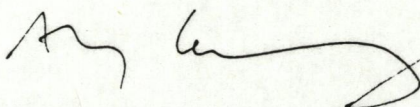
I have tried to be fair to the publications, and to assume that they must have had some kind of source for the stories, and tried to understand how they may have arisen.

The only explanation I can offer is this. In the immediate aftermath of the Queen Mother's death, there were of course many conversations between officials here and Buckingham Palace, and Parliament. Clare Sumner did indeed, as per the Mail on Sunday's one accurate element, speak to Black Rod. They spoke a number of times over the Easter weekend about the arrangements for the Lying-in-State, including arrangements concerning the Prime Minister and other party leaders and whether spouses would be expected to attend and which VIPs would be invited.

When Number 10 was informed of the Queen Mother's death, internal guidance on the role of the Prime Minister, written in 1994 and taken from advice from Buckingham Palace, was taken from the files. Ms. Sumner was relying upon it when she spoke to Black Rod later that day. Of the Lying-in-State, she said the guidance we had said the Prime Minister and Leader of the Opposition would greet the coffin, but it was not explicit about their roles. Black Rod said his guidance was that the coffin was met by the Speaker and Lord Chancellor, and the Prime Minister would head up a line of MPs on one side of Westminster Hall while the Leader of the Lords would head a line of peers on the other. Clare Sumner said fine, and that all concerned just needed to know what the arrangements were. At no time did she question these arrangements or seek a different role for the Prime Minister. She was clear throughout that the Prime Minister would do whatever was required of him. Black Rod later confirmed the exact position and an exact timetable, and Ms Sumner prepared a note for the Prime Minister setting out what would be expected of him. At no time was the Prime Minister involved in discussions about this until the point at which he received that note, which was followed to the letter. Nor did he question his role. I could see how, if someone were minded to twist and distort, this account could provide some basis of the false story published by the three publications. It

does not change the central point: at no time did anyone in Number Ten seek to change the arrangements. At no time did the Prime Minister, or anyone on his behalf, express a desire to enhance his role.

We are left with very damaging allegations made against the Prime Minister and his officials, in one case named, and for the reasons listed above, we therefore make this complaint.

A handwritten signature in dark ink, appearing to be 'John Smith', written in a cursive style.A handwritten signature in dark ink, appearing to be 'Alastair Campbell', written in a cursive style.

ALASTAIR CAMPBELL

Professor Robert Pinker
Acting Chairman
Press Complaints Commission

How Tony Blair tried to muscle in on the mourning

PETER OBORNE

Shortly after the death of the Queen Mother a call was made from Downing Street to an official at the Palace of Westminster about the lying-in-state. The Prime Minister, it was communicated, was unhappy. In particular, he felt that the arrangements did not recognise his importance and he wanted them changed. He felt he should be present at the north door of Westminster Hall to greet the Queen when she arrived ahead of the coffin.

The request was assessed, considered, mulled over — and then rejected. The presence of the Prime Minister to greet the monarch had not been judged necessary when the Queen Mother drew up her plans, and nobody was going to change them now. Tony Blair was forced to accept that his role in the mourning for the Queen Mother — in contrast to his role when Diana, Princess of Wales died — was going to be modest.

In the end he accepted all this with good grace, and conducted himself well. It would be wrong to say that the government has mishandled the last two weeks. There was some feeling by Tuesday that the funeral should have been declared a bank holiday, and perhaps — judging only with the benefit of hindsight — it should. It would have been better if David Blunkett, the Home Secretary, had been present in the Commons chamber for the tributes to the Queen Mother. These are small points.

Nevertheless, the events surrounding the Queen Mother's death have come as a blow to New Labour. This is because the government asserts for itself a much grander and wider role in our national life than previous administrations, both Labour and Tory. Tony Blair lays claim — in a way that no other premier, not even Churchill during the war, has ever done — to the symbolic role of the monarch as well as the more practical function of prime minister. Though Mr Blair is too sensible to attack the monarchy directly, there has been a new tension between Buckingham Palace and No. 10 since he became Prime Minister. This is because New Labour feels that the British monarchy occupies an area of public space that rightly belongs to itself.

There have been all sorts of manifestations of this sentiment: the Foreign Secretary Jack Straw's dreadful solecism when he repeatedly referred to Tony Blair as 'head of state' in a recent interview with the

Guardian; Cherie Blair's wilful refusal to curtsy to the Queen; Tony Blair's jarring reference to 'my' armed forces during a visit to Kosovo. The Downing Street website recently described how the Queen enjoys weekly audiences with Tony Blair.

Another manifestation is Mr Blair's repudiation of the constitutional doctrine that civil servants owe their final allegiance to the crown and not the governing party. This element of refusal to accept the role of the monarchy in our public life is ultimately responsible for most of New Labour's worst mishaps. The Ecclestone, Hinduja, Mittal and Jo Moore affairs were all brought about because British public servants have been encouraged to put loyalty to party above loyalty to the state embodied in the crown.

New Labour ultimately takes the sub-Marxist view that institutions — the monarchy, the civil service, Parliament, the armed forces, the family — are illegitimate because they are ideologically loaded. This is the underlying attitude that has made the events of the last ten days somewhat bewildering for the government. The great celebration of the Queen Mother's life was a reminder that there is, out there, another Britain. It is a Britain with loyalties and allegiances that go far deeper than party, but have everything to do with love of queen, country, regiment, village, town, school, family, etc. Those loyalties and allegiances are thoroughly compatible with voting Labour, Liberal Democrat, Tory or any number of other political parties, though not totalitarian ones. But they occupy a space that is outside party politics — a space that New Labour refuses to acknowledge.

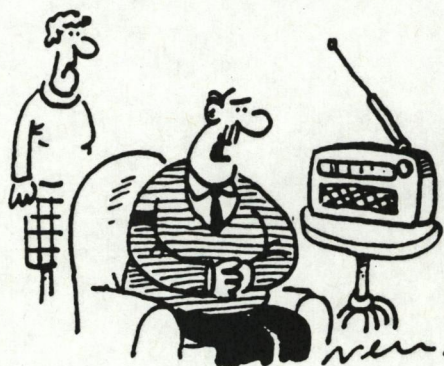
The ten-day remembrance period for the

Queen Mother was a singular period in our recent history in the sense that it left Tony Blair without the central role. That does not mean that it threatened either him or his government. It could not do so, because it had nothing to do with politics as conventionally practised — at any rate until the emergence of New Labour five years ago. But people close to the Prime Minister wrongly saw it as a challenge, because the ten-day commemoration claimed back a part of public life that New Labour has asserted as its own. The queues for the lying-in-state were almost as disconcerting for New Labour as the grief over Diana was for the royal family five years ago. That is the first reason why so many of the government's allies in the press were so keen to diminish the importance of the funeral.

The second reason was that the pageantry marked an open challenge to the idea of 'Britishness' that Downing Street has been actively promoting over the last half-decade. As the historian Tristram Hunt argued in an important recent article in the *New Statesman*, New Labour has attempted to define Britain through values, and not institutions. Parliament, the monarchy, history have all been surgically removed from our national identity.

Gordon Brown's *Spectator* lecture three years ago, when he asserted that openness, tolerance and fairness were the three defining British virtues, argued this case cogently. It was a worthy speech. But it failed to recognise that human beings cannot respond to abstractions: values need to be embedded within institutions. The Millennium Dome was New Labour's attempt to find a contemporary institution to embody its contemporary values: it ended in failure, bankruptcy, ridicule, humiliation and fraud. The Queen Mother's funeral showed, with a power that went much deeper than words can tell, that British values are not merely contemporary: they endure.

Taking his seat along with the rest of the congregation on Tuesday, Tony Blair had time to ponder and brood. There were deep truths to be learnt at that service about right and wrong, the exercise of power, the nature of authority, and what kind of country Britain really is. At a pivotal point in world history, with Britain poised on the edge of a new war in the Middle East, there could not have been a better time to take them in.



'John Humphrys doesn't sound as if he's wearing a black tie.'



**Evening
Standard**

Friday, 12 April 2002

Damned lies and statistics

THREE YEARS AGO Mr Tony Blair made one of his boldest promises: to abolish child poverty by the year 2020. Yesterday, official statistics suggested that he has made some progress; but ministerial cack-handedness has obscured what should have been a positive story, and confirmed a worrying trend that will further undermine public confidence in the way the Government issues information. According to yesterday's data, 600,000 fewer children were being raised in poverty last year than when Labour came to power. The trouble is that these numbers do not live up to Labour's manifesto assertion that 1.2 million children had been lifted out of poverty during the last Parliament. As a result, ministers were yesterday busy moving the goalposts. They said that there were 1.2 million fewer poverty-stricken children than there would have been had Conservative policies continued. This is the kind of sleight-of-hand that reinforces public cynicism — rather like the Government's deceptive use of waiting list figures to persuade us that the NHS has been improving. The public is not fooled. They know instinctively that the flow of "good news" NHS figures has given a false picture of a service under great strain. More fundamentally, the result of data-distortion across a number of Whitehall departments has been to erode public faith in all government statistics. The Prime Minister must instruct his colleagues to pay less attention to twisting the data, and more to delivering improvements that people can recognise from their own day-to-day experience. If he does not, Labour runs the risk that even when official figures give genuine cause for celebration, voters won't believe them.

Class war

WE REPORT TODAY on the astonishing rise in the number of children in London who receive home tutoring to help them get into the secondary school of their choice and to pass examinations. Parents of children at state schools are often reluctant to admit that they are buying extra privileges for their sons and daughters, so accurate figures on the number of home tutors are difficult to establish. But reliable research has shown a phenomenal growth; half the children in many successful London primary schools have private tutors, compared with a quarter three years ago. In some comprehensives two thirds of the pupils are tutored for GCSEs. This is a national disgrace. It makes nonsense of the Government's claims that standards in inner city schools are improving. They might be in some places — but clearly not enough to dissuade parents to part with considerable sums of money to ensure their children receive something better. Home tutoring makes a mockery of the league tables which are supposed to be a guide to school standards; often it is schools with the best records where pupils receive the most private tutoring. Finally, it shows the bankruptcy of the Government's policy of abolishing grant maintained schools. It has ended up with an education system that is even more selective, segregated by class and hypocritical.

Footloose rich

A FEW BILLIONAIRES — like the richest man in Britain, Mr Hans Rausing — live here legally without paying any tax on income from abroad. This "non-domiciled resident" status is often publicised just before the Budget and always provokes reactions ranging from legitimate surprise to corrosive envy. Predictably, there are populist calls for new tax rules to clobber such individuals. These ignore reality. People, especially rich people, are mobile, now more than ever. Of course, millionaires should make a fair contribution to the society in which they find it comfortable. But if they are forced to pay higher taxes, many will go somewhere else. Monaco has a friendlier tax system than Britain's, and the weather is a lot better. To change the tax system would be self-defeating. A small number of people would leave, including some City figures generating from the Square Mile rather than Frankfurt or New York. The Exchequer will raise more if it lets these wealthy boost the London economy by spending their money, paying others and potentially paying corporation tax here, than if it tries to tax them personally. No Chancellor could be certain how many businesses would be driven away by reform. For that very good reason, Mr Gordon Brown should leave this loophole as it is in next week's Budget.

The Queen has put Blair in his place

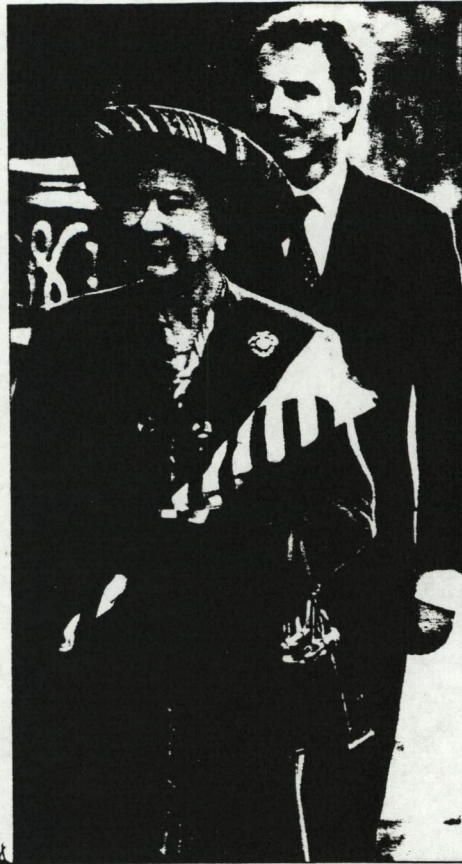
ALASTAIR Campbell, director of communications at No 10 Downing Street, has been denying my stories for as long as I can remember. It is a semi-permanent state of affairs. It has got to the stage where I would feel that there was something wrong if I was not in disgrace with Campbell.

Lieutenant-General Sir Michael Willcocks KCB, Gentleman Usher of the Black Rod — and a man who handled the Queen Mother's funeral with such quiet, unobtrusive professionalism — is another matter entirely. Black Rod's denials carry weight. Being in disgrace with Black Rod is something for a man to be ashamed of. The fact that Alastair Campbell denied my story in this week's Spectator magazine that the Prime Minister tried to muscle in on the period of mourning for the Queen Mum disturbs me not one bit. The fact that Black Rod has followed suit is disturbing.

Nevertheless, I stand by my excellently sourced account of events. And even if it were not true — which it is — the fact that such an account was circulating in very senior circles would in itself be informative. It points to the strained and nervous relations that have existed between the Blair government and Buckingham Palace from the beginning. It is almost as if Tony and Cherie Blair resented the existence of a rival court at Buckingham Palace, and felt that the Queen has stolen some of the thunder that rightly belonged to them.

They don't offer the Queen the same kind of respect that all other prime ministers and their wives have instinctively offered her. Very shortly after Tony Blair became Prime Minister, President Clinton was invited to Britain. No one organising the event in Downing Street asked the Palace whether the American President — after all a visiting head of state of some consequence — should be invited to meet the Queen. That annoyed the Palace. So did the episode when Tony and Cherie Blair deliberately upstaged the first Queen's Speech after the election. As the monarch clattered up The Mall in her gilded stage coach, the Blairs casually strode down Whitehall, shaking hands with passers-by. But, of course, there was nothing in the least casual about that carefully orchestrated stroll: it was done to make a point and project a particular image.

When the Queen invited the Blairs to Balmoral, they indicated that they couldn't make it that weekend and asked whether another time would do. This was a piece of effrontery that no previous prime minister would have contemplated. To make matters worse, when they got



The monarch and the PM: there can only be one head of state

For the past two weeks Britain has been a constitutional monarchy again — much to the Prime Minister's discomfort



by Peter Osborne

Political Editor of The Spectator

there Tony and Cherie Blair made little secret of the fact that they would far rather have been somewhere else. Cherie, in particular, oozed republicanism and failed to curtsy to the Queen.

THEIR royal hosts can only have been baffled. All prime ministers prior to Tony Blair — Labour just as much if not more so than Tories — have loved doing business with the Palace. Harold Wilson loved going to Windsor, where he

drank large bumpers of brandy and forgot his treacherous colleagues. Winston Churchill, the Queen's first premier, treated her with an elaborate, semi-feudal romanticism and courtesy that few of his successors could match. But all of Queen Elizabeth II's prime ministers — even Margaret Thatcher — were content to recognise that the monarchy occupied a space in British public life upon which politicians were not entitled to intrude.

New Labour challenges those dividing lines. The

Blair premiership is modelled on the Clinton White House — and in the American system the President is head of state. In a presidency, though, there is no room for a monarchy. Tony Blair often gives the impression that he thinks he, and not the Queen, occupies the head-of-state position. One Christmas the Prime Minister dispatched a message to the services proclaiming how well served he had been by "his" armed forces. When a Downing Street website was erected, it announced that Queen enjoyed audiences with Tony Blair, a sharp break from the traditional view that he went for audiences with her.

MEANWHILE, Cherie Blair — who admittedly has a near-impossible role — looked more and more as if she was playing First Lady, a position which exists in America but not in Britain, where the First Lady is the Queen. The Prime Minister and his ministers eagerly made use of royal facilities. They used the royal flight more than the Royal Family, and far more than the more deferential Tories had done. John Prescott flew up to Blackpool in the royal plane to open the illuminations. Earlier this year the Foreign Secretary Jack Straw gave the game away when, in an interview with the Guardian newspaper, he twice referred to the Prime Minister as "head of state".

Basically, New Labour was bewildered by the monarchy. Most of the cabinet are republicans, and (says the royal writer Anthony Holden) the Blair's own dinner table oozed republican talk pre-1997. The monarchy had no role of any kind in the New Britain Tony Blair has tried to carve out in the past few years. When, terrified by the threat of Scottish independence, Gordon Brown set out defining "Britishness", he cited common national institutions like the BBC and the NHS as expressing national identity. There was no mention of the monarchy, and for good measure Brown referred throughout to "citizens" not "subjects".

The past two weeks has changed a great deal. For the first time since 1997 Tony Blair has not been at the centre of a great public event. He has been a spectator, along with other politicians. For the past two weeks Britain has been a constitutional monarchy once more, not a nascent presidency. It has been a reminder that values like duty, obligation and patriotism belong to all parties, not just one. And that there is room on the public stage for something bigger, grander and deeper than just politics and politicians.

'For the first time since 1997 Tony Blair has not been at the centre of a great public event. He has been a spectator, along with other politicians'

How Blair tried to

DOWNING Street wanted Tony Blair to have a bigger role in the ceremonies that marked the Queen Mother's death, it was revealed last night.

A senior Blair aide telephoned Black Rod, the Parliamentary official in charge of the lying in state, and asked if the Prime Minister would be able to meet the coffin and the Royal Family when they arrived at Westminster Hall.

Clare Sumner, the PM's private secretary, was told by Black Rod, Sir Michael Willcocks, that there was no role for Mr Blair. And he made it clear he was not prepared to change his plan.

Number 10 officials assumed the Prime Min-

By **Simon Walters**

POLITICAL EDITOR

ister would be at the entrance to Westminster Hall beneath Big Ben, at the head of the official party that greeted the Queen Mother's coffin after the procession from Clarence House. They were said to be 'disappointed' when they found he had little more than a walk-on part.

The disclosure came amid claims that Government officials wanted Buckingham Palace to reduce the lying in state from four days to three because they believed insufficient numbers would turn up to pay their last respects to the Queen Mother. The idea was rejected. In the

end, more than 200,000 waited in queues stretching three miles for up to eight hours, and Westminster Hall had to be kept open all night for four days to meet the massive demand.

A royal aide said: 'Number 10 made it very clear that it was their view that a long period of mourning would become a PR disaster for the Royal Family. They simply felt the public would not turn out in large numbers to witness the lying in state.'

'When the Queen became aware of their views she insisted that Number 10 be told it was her personal wish that the designated period should remain.'

Had Downing Street's wishes been granted, he would have had the same central role in the official mourning for the Queen Mother that he played after Princess Diana's death, when Mr Blair virtually took charge of proceedings and led the tributes at her funeral.

But on this occasion, Black Rod insisted on sticking rigidly to the protocol which stipulates how state ceremonies should be handled in Parliament - and Mr Blair was left out of the picture. His role at the funeral was that of a guest.

Shortly after the Queen Mother died, Black Rod was called by Ms Sumner. She is one of Mr Blair's most trusted aides, having taken over the confidential duties performed by his former 'gatekeeper' Anji Hunter, who left Number 10 for a job with BP last year.

The feisty Ms Sumner hit the headlines two years ago when The Mail on Sunday revealed how she sent a memo to all departments demanding 'killer facts' to stop former Tory leader William Hague getting the better of the PM in their despatch box clashes.

This time she wanted to know if Mr Blair would play a prominent part when the Queen Mother's coffin arrived at Westminster. It is inconceivable that she acted without consulting Mr Blair or his media adviser Alastair Campbell.

Black Rod, a former Army officer, told her politely but firmly that Mr Blair would not greet the coffin and the Queen in a ceremony seen by hundreds of millions of TV viewers all over the world.

The plan had already been drawn up and Mr Blair would have to stand with other senior politicians at the other end of Westminster Hall, well away from the main focus.

There was no question of changing the arrangements to accommodate Downing Street.

The role of 'meeter and greeter' which Ms Sumner hoped Mr Blair would perform was played by the Lord Great Chamberlain, the Marquis of Cholmondeley, the official in charge of the Palace of Westminster. Others in

Revealed: Downing Street's plans to put PM at forefront of national mourning and the disbelief that so many people would turn out to pay their respects

the party included Black Rod, the Lord Chancellor, Lord Irvine and the Speaker, Michael Martin.

In fact, Black Rod did make a minor concession, letting Mr Blair and other party leaders file past the coffin after it had been placed on the catafalque.

'The Prime Minister runs the Government, not the entire Houses of Parliament,' said one source. 'Here, he has no official standing - he's just another MP.'

The disclosure of Ms Sumner's role comes after Number 10 described reports that the PM had tried to 'muscle in' on the mourning as 'fabrication'. A Downing Street spokesman said last night: 'We contacted Black Rod to go through the logistics. We did not suggest that the Prime Minister's role should be changed in any way, nor did we put pressure on anyone.'

THE final resting place of Princess Margaret remains unmarked two months after her death. Her ashes are interred with the Queen Mother's coffin at Windsor.

But the Queen Mother's death delayed plans for a bronze plaque commemorating Margaret on the wall of the George VI memorial chapel.

A Buckingham Palace spokesperson said: 'Something is being prepared, but I don't know when it'll be ready.'

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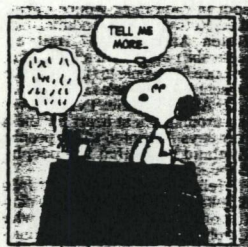
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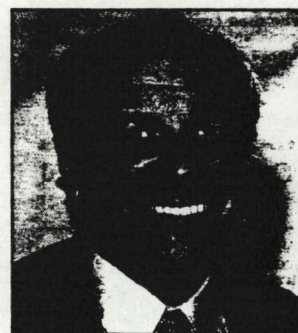
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Dyke: The British do not want



CONTROVERSY: BBC boss Greg Dyke

A NEW controversy surrounding BBC boss Greg Dyke's views on the monarchy broke out last night after claims that he said Prince William will 'never be king'.

Mr Dyke's comments at a private function horrified witnesses who kept to the Prince's defence. The disclosure follows the row over the BBC's coverage of the Queen Mother's death when newsreader Peter Sissons did not wear a black tie as he announced to millions of viewers that she had died.

One witness at the function said: 'Someone was saying what a thoroughly nice young man Prince William was. Greg Dyke said: "He'll never be king".'

The BBC director-general's remarks - made weeks before the

is conducting a review of his budget after the Queen Mother's lying-in-state ceremony which cost his department an estimated £500,000.

'It's time to say to the BBC, "Come on guys, it's a huge amount of money, you really must pay your share,"' Sir Michael told The Mail on Sunday. 'I think it's reasonable that if the broadcasters want to film occasions like the State Opening, then they should contribute towards the cost. I see no reason why the whole burden should fall on taxpayers.'

'I am not sure how this arrangement was reached in

POMP: The Queen at the State Opening of Parliament

the first place, but I intend to renegotiate it.' He was shocked when he discovered that taxpayers would have had to pick up a bill of more than £150,000 to provide filming facilities for the lying-in-state. He got around the problem when the BBC, which filmed the event on behalf of all the broadcasters, said it wanted better lighting facilities.

The BBC was told it would have to provide them itself – and that has resulted in a double

saving. Taxpayers would have had to pay another hefty bill in June when the Queen addresses both Houses of Parliament in Westminster Hall to mark her Golden Jubilee.

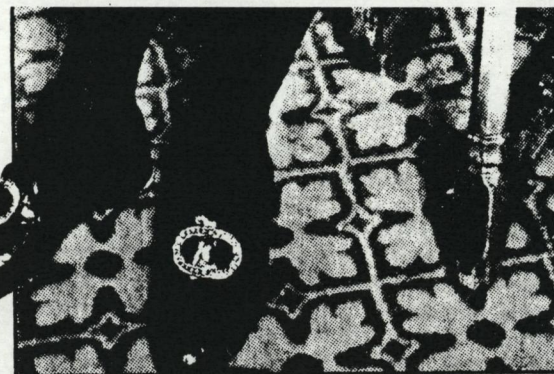
Sir Michael, 57, let the BBC leave its filming gear in place – thus making another big saving for the public purse.

But when it returns for the State Opening and the Queen's Speech in November, when the Government outlines its new legislative programme, the

placed in the stone floor of Westminster Hall. 'We are going to move George VI's plaque slightly to one side so we can put the Queen Mother's alongside him,' he says.

His main problem is finding an accurate line drawing of the Queen Mother's crown for the plaque. Sir Michael would be delighted to hear from anyone who knows of one. A 21st Century solution from the holder of a 14th Century post.

Comment: Page 24



MICHAEL THOMAS

CEREMONY: Sir Michael ready for the Queen's Speech

Embarrassment for Campbell over Blair's role at Queen Mum's funeral

TONY BLAIR'S chief spin doctor, Alastair Campbell, faced a humiliating climbdown last night after it was revealed that Downing Street did want a bigger role for the Prime Minister in the ceremony to mark the Queen Mother's lying-in-state.

Last week Number 10 briefed The Guardian newspaper that Campbell, the PM's communications director, was set to make a formal complaint to the newspaper watchdog, the Press Complaints Commission, about the report in last week's Mail on Sunday, which he claimed was not true.

The report stated that a Downing Street aide phoned Black Rod, the Parliamentary official in charge of the lying-in-state, and asked if the Prime Minister would be able to greet

By Political Editor

the Queen Mother's coffin and the royal party when they arrived at Westminster Hall.

Black Rod, Sir Michael Willcocks, told Blair's private secretary, Clare Sumner, that the Prime Minister could not greet the royal party and that he would have to sit with other senior politicians at the other end of Westminster Hall.

The report was based on information from senior sources directly involved in the lying-in-state ceremony. After Campbell's complaint, sources close to Black Rod have confirmed that The Mail on Sunday's account was '100 per cent accurate'.

Furthermore, Downing Street, the Press Complaints Commission and Buckingham Palace have all been informed by authoritative sources at the Palace of

Westminster that The Mail on Sunday report was correct in all regards.

Campbell is now faced with having to make a humiliating climbdown – or risk getting the Prime Minister embroiled in a damaging row with the Queen which could overshadow the Golden Jubilee celebrations to mark her 50th anniversary as sovereign.

The Queen is due to return to Westminster Hall in six weeks to address peers and MPs, and the party leaders will be present.

Today we can reveal fresh details of the attempt by Number 10 to put Mr Blair centre-stage when the Queen Mother's coffin arrived at Westminster Hall.

When Mr Blair's aide, Ma Sumner, telephoned Black Rod, she asked if Mr Blair would be able to greet the Queen and the

coffin and made it clear that Number 10 thought Mr Blair would have a central role.

She was said to be 'disappointed' when Black Rod made it clear that he did not intend to change the plan.

He told her that it was drawn up in accordance with previous lying-in-state ceremonies, whereby the official 'meeter and greeter' role is performed by the Lord Great Chamberlain, the Marquis of Cholmondeley, who is in charge of the Palace of Westminster, not the Prime Minister.

One source close to Black Rod said: 'There is absolutely no doubt that Number 10 indicated that they wanted the Prime Minister to be involved in meeting the Queen and the coffin.'

'They were very surprised when they discovered that there was no role for him.'

'They were persistent and asked

if it was absolutely certain that he would not be involved.

'It was pretty clear what their agenda was. Black Rod told them repeatedly that there was no role for the Prime Minister.'

'It was only because he was so robust in his reply that the situation remained as it was.'

Following the Press reports of Downing Street's intervention, Number 10 made contact with Black Rod's office.

One official said: 'Downing Street was told that no one was going to tell lies on their behalf.'

'The Mail on Sunday report was 100 per cent accurate and it is ridiculous for Number 10 to suggest otherwise. They know exactly what happened when Ms Sumner contacted Black Rod.'

A Number 10 spokesman said last night: 'We continue to categorically deny this false story.'

MAIL ON SUNDAY
SUNDAY 21 APRIL 2002



10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

16 May 2002

Dee Tm

As I am travelling with the Prime Minister tomorrow, and as Clare Sumner's note is not yet complete, I will be unable to get you the full bundle of documents I promised you until next week. However, I include the 1994 internal guidance document Clare Sumner was relying upon when she spoke to Black Rod and the note that she subsequently submitted to the Prime Minister, which are both important to the background of this. They are both, as you will see, restricted documents, so I would be grateful if you could ensure they are treated as confidential.

All three publications seek in their responses to our complaint to convey the impression that we have sought to withhold this document. This is not so. It is the case, however, that once we lodged the complaint with you, we felt it right to deal with you, rather than the papers, as the Mail on Sunday and the Spectator in particular were continuing to publish stories about this issue, the latest of which was the gratuitous article about Clare Sumner last weekend. I enclose a copy.

I should point out that the 2001 detailed planning note to which the Mail on Sunday refers, and which had obviously been discussed and agreed with government, is the guidance note for those organising the arrangements for the ceremonies, including the military. It gives no guidance as to what the Prime Minister and other senior politicians are expected to do. All it says on this is: "Members of the House of Lords and House of Commons will also be invited to be present inside Westminster Hall....". Given that Number 10 knew the Prime Minister and other politicians were expected to be present for the ceremony, what Clare Sumner had to do was establish exactly what was required of the Prime Minister and Mrs. Blair so that she could prepare a note for him setting that out. No more, no less. So had the 2001 document been the document Miss Sumner relied upon, she would still have had to speak to the Palace and the Westminster authorities to establish exactly what was required of the Prime Minister, and the

1994 internal guidance written under the previous Administration was the last document in the file specifically about the Prime Minister's role following the death of the Queen Mother.

I also enclose a copy of the note that Clare Sumner submitted to the Prime Minister following her conversations with the Westminster authorities. I believe it makes clear that her role was simply to set out for the Prime Minister what was expected of him; and that there was no attempt to gain a greater role for him. You will see that it is factual and neutral in tone, simply setting out what is required of him in relation to the recall of Parliament, and the Lying-In-State of the Queen Mother. A fair reader of the document is likely to judge that this is a straightforward guidance note being issued to someone who is being put in possession of these facts for the first time.

The Mail on Sunday insists it is inconceivable that she had not been acting on the instruction of the Prime Minister, or of me. She was not. Whilst of course at all times she is working for the Prime Minister, she was simply getting the facts for him as to what he would have to do. She did not speak to the Prime Minister at any time between the Queen Mother's death and putting in this note to him. The senior official she had been reporting to on this was Jeremy Heywood, the Prime Minister's Principal Private Secretary.

There is no sense in the note of any attempt having been made, by anyone, to change the proceedings or to gain for the Prime Minister a bigger role. Had there been an instruction to gain a greater role, a fair reader, particularly if aware of how paperwork in government is done, would assume that would have been reflected in the note to the Prime Minister. There are no references to any difficulties, or disagreements, or disappointments. There is no record of Miss Sumner having been asked to do anything out of the ordinary. There is no bearing of "bad news" that she has tried, but failed, to secure a greater role. There is no suggestion that she is going back to the Prime Minister to ask if he is content with what he is being told. She is simply setting out what is required of him at a ceremony long planned by others, and which he is expected to attend.

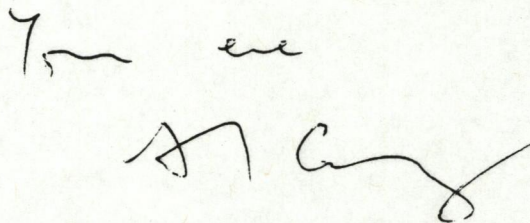
I am aware that your role at this stage of the complaints procedure is to seek a resolution. Looking at the 3 responses of the publications concerned, alongside this material and the material to come, it strikes me that there is at least some common ground around which such a resolution may be possible.

It is agreed, and indeed has never been disputed, that there was contact between No10 and the Westminster authorities to establish what was expected of the Prime Minister. It seems to be agreed that the Prime Minister himself played no part at all in these contacts. I also believe the documents we are sending you today, and the further material we are sending next week, make clear that he at no stage asked for, or gave instructions to get, a bigger role for himself, and that the inquiries being made were simply an effort to establish what was required of him. I sense there may be common ground here too.

It also seems to be agreed that nobody here suggested any changes to give the Prime Minister a greater role.

As our own interest in this has always been to establish that the Prime Minister did nothing wrong or disrespectful and that nobody on his behalf did anything wrong or disrespectful, it may be that you could seek to resolve this through the publication of an agreed statement which accepts this to be the case.

I hope this is helpful, and in the meantime, I will send over my own, Clare Sumner's and Godric Smith's responses as promised next week.

A handwritten signature in dark ink, appearing to read 'Alastair Campbell', with a stylized, cursive script.

ALASTAIR CAMPBELL

Tim Toulmin
Deputy Director
PCC

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PARLIAMENTARY ARRANGEMENTS IN THE EVENT OF THE DEATH OF THE QUEEN MOTHER OR OF A FORMER PRIME MINISTER

THE QUEEN MOTHER

Death During Session

- On news of the death, an announcement would be made in both Houses following which they would adjourn. An Address would be moved and tributes paid the next day. But the tributes might be made on the same day as the death if death occurred before midday and there was time to make the necessary arrangements - usual channels would discuss.
- While no maximum period of mourning is required there must be a minimum of nine days[?] between death and the funeral. Lying in State must last three clear days, during which Parliament would not sit. It would be for discussion through the usual channels whether Parliament sat in between the end of the post-tribute adjournment and the start of the Lying in State.
- If the death occurs overseas, tributes and adjournment should take place as soon as possible and not wait for the return of the body to the UK.
- It would be highly desirable for the Speaker and Lord Chancellor to be present for the tributes, although it is not strictly necessary. However, the Speaker and Lord Chancellor do have functions to perform in the receipt of the body to the Palace of Westminster.

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- 2 -

- If the death occurred on a Friday, the House of Commons would be adjourned immediately but tributes would take place on the following Monday.
- If the death occurred at a weekend during a Session, tributes would take place immediately at the start of Business in both Houses on the next sitting day.
- If death occurred on a Lords' non-sitting Friday and the House was not planning to sit on Monday, it should be recalled to pay tributes. Otherwise tributes would take place on the Monday at start of business.

Death During Recess

- Parliament should be recalled if death was announced during a recess.
- If the death occurred on a public holiday (i.e. Christmas) discussion through the usual channels would be needed at the time to decide on a course of action.
- If the House is in the process of being redecorated, two clear days would be needed to prepare for a recall.

Tributes

- Prime Minister; Leader of the Official Opposition; Leader of the Liberal Democrats; Leader of the Ulster Unionists and the Father of the House should all pay tributes in the Commons. The Speaker should also take soundings on the day to check if it is appropriate for anyone else to do

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so. The Leader of the SNP might well want to do so.

If the Prime Minister was abroad, the Speaker would take soundings on whether the Lord President should stand in for him, or whether the tributes should be delayed to enable abandonment of the visit and a speedy return.

In the Lords, the Leader of the House, the Leaders of the Labour and Liberal Democrat peers and the Convenor of the Cross Benchers would make tributes. An archbishop or senior bishop probably would too. The Lord Chancellor could speak if he wished, but it would not be expected.

It was for consideration whether there should be a Cabinet tribute.

Lying in State

The Speaker and Lord Chancellor should be present for the arrival and departure of the coffin at Westminster Hall. The Prime Minister and Leaders of the other Parties would also be present at the arrival. Members and peers would be invited to attend when the body arrives. Instructions and tickets would be issued to Members and peers who wished to attend. Printed tickets are already in existence and plans in place for distribution.

Prime Minister's Role

The Prime Minister's role consists of: issuing a statement to the Press letters of condolence to the Queen, Princes Margaret, Prince of Wales and (possibly) Lord Strathmore; leading the tributes in the House and

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- 4 -

attending the Lying in State and the funeral.

- If the House is not sitting, the Prime Minister has a duty to write to the Speaker and Lord Chancellor asking them to recall Parliament.

Death of Former Premiers

- If death was announced before midday, tributes would be paid at start of business and then the Houses adjourned for the rest of the day; if death was announced after midday, tributes would probably be paid at start of business the following day and then the House adjourned for the rest of the day.

- If death occurred during recess Parliament would probably not be recalled. Tributes would take place on first sitting day back but Parliament would not adjourn].

Death of Former Speakers

- A tribute would be made by Madam Speaker at 3.30pm and then the House would proceed to business.

Dress

- A guidance note would be issued to the Lords but would not be appropriate for the Commons.

p'qm.sm

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From: Clare Sumner
Date: 31 March 2002

PRIME MINISTER

cc: Jonathan Powell
Jeremy Heywood
Alastair Campbell
Andy Neather
Helena Hopkins
Simon Virley O/R
David Hanson
Nicholas Howard

QUEEN MOTHER'S DRAFT STATEMENT & WESTMINSTER HALL ON FRIDAY

Humble address - this has to be agreed by first thing Tuesday morning so that we can arrange for it to be printed on the order paper. This has been drafted by the House Authorities and I. At the start of your statement you must move the humble address which is why it is repeated again at the beginning of the statement.

Draft statement - Attached is a first draft of a parliamentary statement. Further quotes and examples will be looked for on Tuesday, but we thought it would be helpful for you to consider this. Andy Neather has supplied the historical elements. We do need a stronger reference to Scotland.

David Hanson will be back in London on Wednesday morning so will also look at the statement then, but has confirmed this is along the right lines.

I also attach your tribute to the Queen Mother on her 100th birthday - we will find the Hansard of tributes to George VI on Tuesday.

Westminster Hall - subject to confirmation of the Palace tomorrow, it looks as if you will be required at Westminster Hall at 11.30am on Friday 5 April. Black Rod will be making a formal announcement tomorrow once timings have been confirmed and sending out invitations tomorrow afternoon.

This is a parliamentary occasion - however spouses will be invited, and if Mrs Blair wanted to come our current understanding is that she would stand with

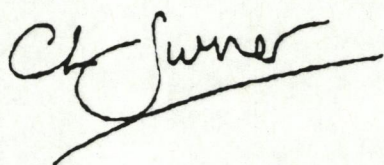
you. However the House Authorities have stressed she is not required to come. However all MPs' and Peers' spouses will be invited, subject to room.

Your role is to be at the head of a line of MPs in the Hall waiting for the arrival of the Coffin. The Coffin is met by Black Rod and the Speaker, Lord Chancellor and the Lord Chamberlain.

The programme could look like this:

11.30	Coffin leaves St James palace PM, MPs and Peers in position at Westminster Hall
11.40	Royal ladies arrive
11.45	Queen arrives
12.0	Coffin arrives at Westminster Hall - short service
12.15	Service likely to end

Attendance at events - so far the only Minister we have formally called back is Lord Williams as he is required to lead the tributes in the Lords and head up the line of peers. He is on his way back from South Africa. The Whips from both Houses are ensuring that there is a good turn out on Wednesday. The Westminster Hall event is more relaxed in terms of attendance but again we will ensure there is a good turnout. The Palace will no doubt confirm later who should represent the Government at the funeral.



CLARE SUMNER

New revelation about Blair official in Queen Mother funeral controversy

By **Simon Walters** POLITICAL EDITOR
and **Louisa Pritchard**

Royal row aide had key role in Mandelson downfall

THE Downing Street aide at the centre of the row over Tony Blair's role in the Queen Mother's lying-in-state played a crucial part in the dispute that led to Peter Mandelson's exit from the Cabinet, it was revealed last night.

Clare Sumner, private secretary to the Prime Minister, played a major part in the events that led to the then Northern Ireland Secretary being forced to resign over the 'passports for favours' row involving the billionaire Indian Hinduja brothers.

She drew up an emergency report for the PM, which exposed vital flaws in Mandelson's explanation of events. And she was a key witness at the official inquiry into the affair that concluded Mr Mandelson probably did phone the Home Office about an attempt by one of the brothers to obtain a UK passport.

Ms Sumner told Sir Anthony Hammond, who conducted the inquiry, how she heard the PM confront Mandelson over the conflicting accounts of whether or not he had intervened.

The disclosures come after The Mail on Sunday reported how Ms Sumner phoned Black Rod, the official in charge of the Queen Mother's lying-in-state, to ask if the PM would be able to meet the Queen and the coffin when it arrived at Westminster Hall.

Aged just 29, Ms Sumner is one of his most senior and trusted aides. Her job involves listening in on his private phone calls with senior Ministers about sensitive issues, attending meetings and making notes of what is said.

A new investigation into Mandelson's downfall reveals how close she is to the nerve centre of the Blair administration. In January last year, when the row exploded

over Mandelson's alleged role in helping a passport application by Srichand Hinduja, who gave £1 million to the Millennium Dome, Blair turned to Ms Sumner for help.

He asked her to investigate the chronology of events. Within 48 hours of Blair asking her to report to him, the PM took the decision that Mandelson, his closest political ally, had to go.

The dispute centred on whether or not Mandelson had phoned Immigration Minister Mike O'Brien in June 1998 to ask him to speed up the passport application.

Home Secretary Jack Straw insisted Mandelson had called the Home Office; the Northern Ireland Secretary insisted he couldn't remember any such phone call.

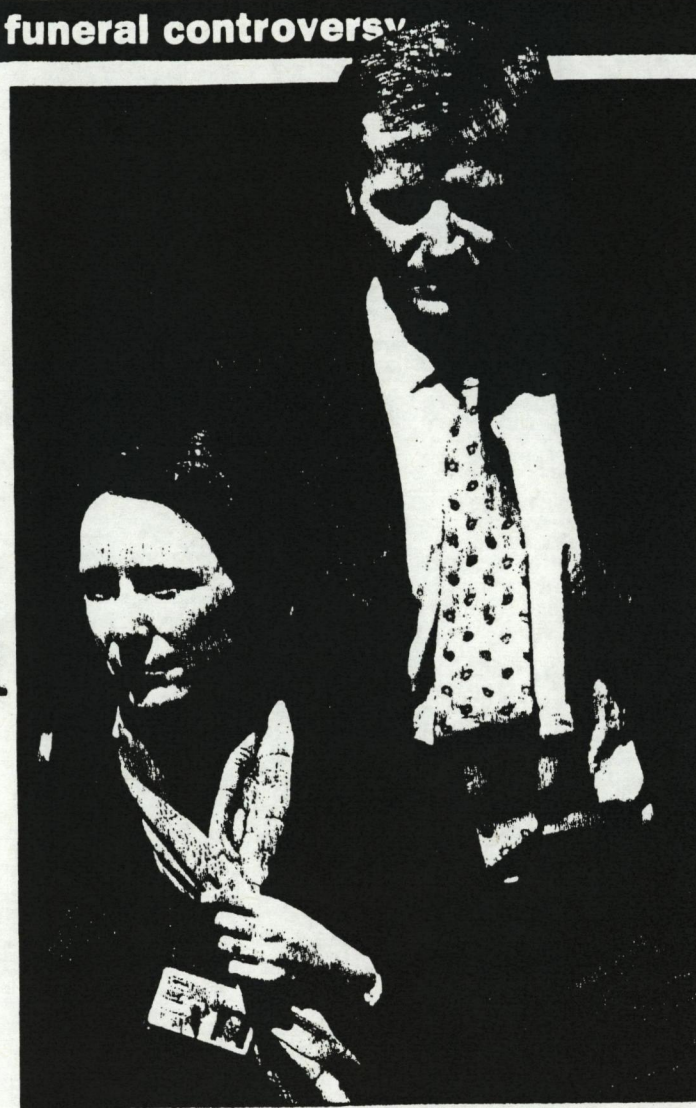
To this day, Mandelson is bitter at the role played by Straw. The Ham-

mond report, published six weeks after Mandelson's departure, draws heavily on Ms Sumner's account of events.

She told Hammond that the PM had three conversations with Mandelson on January 23 and that during one of them Blair challenged his Minister over inconsistencies in his story.

Ms Sumner also said that the next day Straw had rung No 10 to say that his office had been told by an aide to Mandelson that the Ulster Secretary considered his phone call with O'Brien to be 'private'.

Ms Sumner knew Mr Straw well. At the time of the alleged phone call from Mandelson to O'Brien in 1998, she worked in Straw's private office. While at the Home Office, Ms Sumner also worked alongside fellow private secretary Tyson



TRUSTED TWO: Clare Sumner with Blair's spokesman Alastair Campbell

Hepple, who acted as secretary to the Hammond inquiry.

A second report by Hammond into the Hinduja affair - reopened after Mandelson claimed he had new evidence that cleared him - repeated the earlier conclusion that Mandelson had acted 'properly'.

Downing Street has complained to the Press Complaints Commission (PCC) about The Mail on

Sunday's report on No 10's attempt to obtain a bigger role for Blair in the Queen Mother's lying-in-state.

A Downing Street spokesman said yesterday: 'The only reason why there is any interest in Clare Sumner is because of her involvement in a story that is the subject of an adjudication by the PCC.'

'It should be left to them to get on with their job.'

STEVE BURTON



10 DOWNING STREET
LONDON SW1A 2AA

Director of Communications and Strategy

20 May 2002

Ken Tm

Further to my letter of last Thursday, I include a note to the Press Complaints Commission from Clare Sumner setting out her role in the events following the death of the Queen Mother.

I also enclose a note from Godric Smith, the Prime Minister's Official Spokesman, dealing with the claim by the Mail on Sunday that they took care to check the facts. His note makes clear that the only reason they had a line from us was because we proactively offered it, but that no effort was made by them to contact us, or put the detailed allegations.

As for my own response to their letters, I apologise in advance if Miss Sumner's note repeats some of what I say here.

The Mail on Sunday's defence appears to be that they did not actually state that No 10 made specific suggestions of specific changes to the ceremony. But the headline states that the Prime Minister tried to "hijack" the funeral. That is clear enough, and a serious allegation presented as fact. The first sentence states that we wanted the Prime Minister to have a bigger role and the article later makes clear this was likely to have been at the Prime Minister's, or my instruction. These too are serious allegations presented as fact. They are not true. The headline and introduction alone therefore, and the article as a whole, are inaccurate, misleading and distorted.

In their response, they say Miss Sumner asked if the Prime Minister "would be able to meet the coffin." "Would be able" suggests a desire that something should happen which is not intended to happen. She is adamant she expressed no such desire, whatever their source claims. Nor, as her note to you makes clear, was she disappointed. All she was doing was establishing a factual situation, namely what was the Prime Minister expected to do.

In response to point (b) on page 3 of their letter, they say Miss Sumner "persisted in her belief that the Prime Minister would be in the party which greeted the royal procession." The facts of this conversation are set out in her note. The second half of that paragraph is absurd. It would seem that not only do they publish false claims from anonymous sources. Their defence rests on amateur psychological analysis of someone they have never met.

On the response to point (c) they say they do not make the claim that we advised the Royal Family to reduce the period of Lying-In-State because of fears that the public would not pay their respects in sufficient numbers. This is an attempted rowing back which seeks to disclaim responsibility for what is published in their paper. I refer you to the 5th paragraph of the original story. The claim is reported and then supported by an anonymous source. It is not true.

They say we cannot be in a position to know whether the Queen was told of these views and had herself expressed a view on this and asked for her views to be communicated to Number 10. We can be, and we are because the Queen's Private Secretary has told us this part of the paper's story is nonsense, and made clear he is willing to communicate that to the PCC. Whoever their source is, or is claimed to be, what was published is untrue.

On point (e) of course the Prime Minister accepts responsibility for his staff. However as explained before, it is untrue that the Prime Minister or I had given any direction to Miss Sumner on this.

I note that on Page 4, there is further evidence of the Mail on Sunday rowing back, ("Downing Street may not have asked for specific changes.") In claiming they did not suggest we specifically asked for changes, and simply that Miss Sumner "fished" for a more prominent role, they are making clear they rely upon an interpretation of something they believe to have happened. But the article presented it not as interpretation, but as fact, that the Prime Minister tried to hijack the ceremony, and that we asked for a bigger role. These statements are untrue.

The point on page 5 of their letter about a "slight change to the arrangements for the Prime Minister" is news to us. The reason I did not refer to it in my letter of complaint is that it is irrelevant to the complaint, and this was not communicated to Clare Sumner as it was entirely a matter for Black Rod.

In summing up their defence, the paper states that if the complaint is upheld "the PCC would be ruling that any politician is entitled, after the event and with the benefit of hindsight, to insist that his words are reported as he would have preferred them to be understood, and that any unfavourable interpretation should be corrected, without any regard for the actual effect they had on his audience." Yet in this situation, the politician concerned uttered no words at all - not to the paper; not to Miss Sumner; not to me; not to Black Rod; not to anyone. He never asked for a bigger role. He never instructed anyone to seek to secure him one. Nobody sought to secure one on his behalf. Yet the Mail on Sunday persists in claiming that, acting under his or my instruction, Clare Sumner sought to change the arrangements to enhance his role. That central claim is false, and nothing has been provided to substantiate it. I believe that Miss Sumner's note on her role, and the note she submitted to the Prime Minister, which I sent to you last week, make clear that all 3 publications published inaccurate material, and did not take care to establish its accuracy or otherwise.

Turning to paragraph 1 and 2 of the Standard's response, of course they are entitled to comment on anything they wish, in whatever terms they wish and we would defend that right. But this is a dispute over fact, not comment. Their headline stated "The Queen has put Blair in his place." Osborne wrote, "I stand by my excellently sourced account of events...The fact the Alastair Campbell denied my story in this week's Spectator magazine that the Prime Minister tried to muscle in on the period of mourning for the Queen Mum (my emphasis) disturbs me not one it." So whatever comment he is making, he is stating as fact that we sought to gain a greater role for the Prime Minister, and that the Prime Minister himself was involved in this.

The Standard refers to the news story of 11 April. It is true that they carried the story, for one edition only, which said the Prime Minister "was the target of an astonishing accusation...which threatens to do Mr Blair severe personal damage." So they are clear about the seriousness of the accusation. I understand the story was dropped after Black Rod issued his denial. However, to be fair, they did carry our denial of the story, prominently within the story.

The paper says in its defence that we accused Osborne of being "mendacious." The mendacity is the claim that the Prime Minister tried to gain a bigger role and that the Queen had to "put him in his place." These are the "malicious inventions" referred to in paragraph 3 of the response. As I said in earlier correspondence, I've never doubted there may have been a source for

these claims. But they are a lie, and it is this lie that we are seeking to have corrected.

Re paragraph 4, the Standard had already carried our denial in their news story. A letter would add nothing to that. They were asked to correct something which was untrue, and have refused to do so.

I note that they have offered nothing by way of substantiation of Mr Osborne's claims.

As far as the Spectator is concerned, most of their letter is irrelevant to the complaint. Paragraph 1.1 of their response accurately sets out the central allegations contained in the article, (namely that the Prime Minister was unhappy about the arrangements and wanted them changed) and then fails to provide any substantiation at all.

Re paragraph 2.1, as with the Mail on Sunday, the Spectator is claiming, through use of the word "should" that there was a desire expressed for the Prime Minister to have a role that he was not intended to have. That is untrue. I note that the post facto justification they seek to mount relies heavily upon information contained in my letter of complaint, rather than any information they had prior to publication.

There are no tape recordings or written accounts of the calls. This is not unusual. However, you have Miss Sumner's account. In addition to which, she and Mr. Heywood are happy to be interviewed by the PCC if that is helpful or appropriate.

Re paragraph 3.4.1 it was not difficult to speak to all the civil servants involved. There are three, and two work in the same room.

Re 3.5, I understand the statement by Black Rod was issued to the Standard.

Re paragraph 5.1, this is more wriggling and amateur psychology.

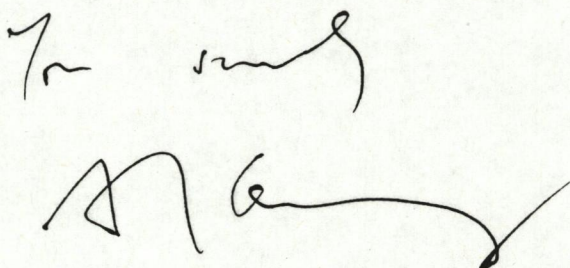
I have covered paragraph 6 in my earlier remarks, and you now have the 1994 internal guidance as requested.

Paragraph 7 is a piece of comment. It adds nothing to the facts.

Paragraph 8 rests on the claim that "except where Downing Street is involved, it is the Spectator's usual practise to contact the subject of a story for comment before publication takes place." This is nonsense. I know of other parts of government who complain that the Spectator does not check facts. Equally, I can point to occasions - including since this row began - when the Spectator has sought to check facts, so this part of their defence is untrue, and simply a transparent effort to give an excuse for not checking these particular "facts" is this particular instance.

The Appendix adds nothing to the substance of the complaint.

I hope that the material we have provided is helpful. I believe it shows that at no time did the Prime Minister, or anyone else in Downing Street seek to change the arrangements in any way at all; and that at no time did the Prime Minister or anyone else want a bigger role for him.

A handwritten signature in black ink, appearing to read 'Alastair Campbell', with a stylized, flowing script.

ALASTAIR CAMPBELL

Tim Toulmin
Deputy DirectorPCC

Note from Clare Sumner

My job as duty Private Secretary was to find out what the Prime Minister was required to do at the Lying in State at Westminster Hall and minute him accordingly so he knew what the arrangements were.

It would have been inappropriate for me to seek to change the arrangements. I did not do so and this is clearly expressed in Black Rod's own statement.

Black Rod informed me that he had given at his own volition a statement to the Evening Standard, in which he said:

"In the aftermath of the news of the death of the Queen Mother I was contacted by Number 10 to brief them on the Prime Minister's role. At no stage was I asked to change the arrangements."

At no point did I discuss the proposed arrangements with the Prime Minister for the Lying in State.

At no point did the Prime Minister suggest any changes to the arrangements, seek to enhance his role or express any opinion whatsoever about these arrangements.

I did not make a series of phone calls to Black Rod about the Prime Minister's role. Black Rod and I only had one conversation specifically about what the Prime Minister was required to do and I detail that conversation below.

Black Rod later confirmed a timetable to me. The rest of our conversations were about invitations for spouses.

I would also like to make clear that I am a career civil servant who has worked under Conservative and Labour administrations. I report to the Principal Private Secretary Jeremy Heywood.

Jeremy Heywood and I worked together over the Easter Weekend to make all the necessary arrangements for the Government's involvement in the arrangements. These included arrangements for the recall of Parliament and the issuing of the national mourning guidance.

The only people from Downing Street that I spoke to during that weekend about the Lying in State were Jeremy Heywood, the Duty Clerk and the duty Downing

Street Press Officer to inform them that the Prime Minister would be attending the Lying in State and the arrangements. At no point did they or anyone else in Downing Street question the arrangements.

At no point during the weekend in question did I discuss the Prime Minister's involvement in these arrangements with Alastair Campbell.

Detail of conversation with Black Rod on Easter Sunday

Black Rod and I spoke late morning on Easter Sunday. He was driving to London. I was in the New Forest. We spoke mobile to mobile.

My firm recollection of the conversation is that I said I wanted to talk about the arrangements for the lying in state so we could make the necessary preparations. I told Black Rod that the guidance I had was that the Prime Minister and the Leader of the Opposition met the coffin. This was reflected in the internal guidance document that we have sent to you. Black Rod said that his guidance did not say that and that it was the Speaker and the Lord Chancellor who met the coffin. I said my guidance included them too. He explained that it was a Parliamentary event and representatives of Parliament received the coffin, and that the Prime Minister headed up a line of MPs on one side of Westminster Hall while the Leader of the Lords headed up a line of Peers on the other.

I said absolutely fine and expressed surprise that people had different guidance given the event had been planned for such a long time but not to worry. I said, and I remember this very clearly, you are Black Rod, you are arranging it, just let me know what you want the Prime Minister to do so I can arrange it. I thought no more of it. At no point did I say that I thought the Prime Minister should meet the coffin or question the arrangements. I basically said throughout the Prime Minister would do whatever was required of him.

I would like to make it absolutely clear that I never expressed any disappointment about the Prime Minister's role. We did not have a conversation where Black Rod had to say anything firmly or I was trying to contradict him. This is not a matter of judgement or interpretation it is a matter of fact. As far as I am concerned, I was not disappointed. I had nothing to be disappointed about.

At no time did I say could the Prime Minister meet the coffin. I said that my guidance says the Prime Minister meets the coffin. I was not seeking a bigger

role for the Prime Minister, I was making enquiries about what the Prime Minister was expected to do.

I did not persist. As soon as I was told it was a Parliamentary occasion I fully understood what that meant and sought clarification of the arrangements for my note to the Prime Minister.

Further detail

The Mail on Sunday letter of 8 May 2002 raises several points that are not correct. I was never told that the Prime Minister would be seated and Black Rod and I never discussed the Prime Minister walking past the catafalque. I was totally unaware of this.

My duty period finished at the end of Bank Holiday Monday. I had no further conversations with Black Rod.

CL *Junner*

20th May 2002

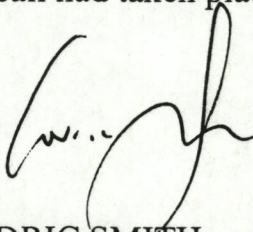
NOTE TO THE PCC

Contact with the Mail on Sunday – 13 April 2002

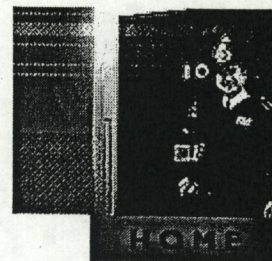
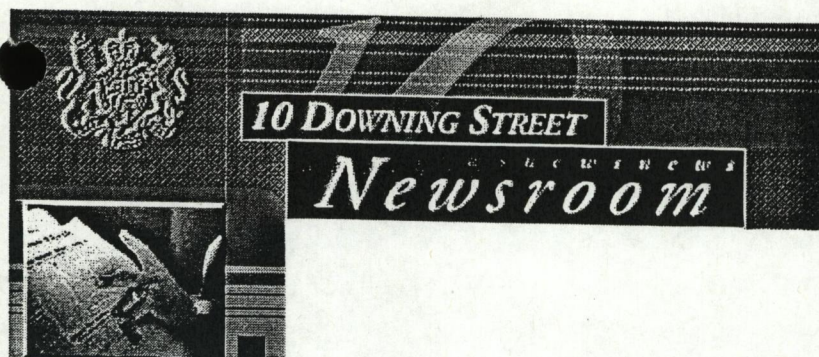
The Mail on Sunday's letter states that they 'spoke to Downing Street and published their statement in full.' I would like to set out the facts on this. At no time did the Mail on Sunday contact us to put the claims published.

Tom Kelly or I phone round all Political Editors of the Sunday papers every Saturday as we do not do a formal briefing at the weekend. On the Saturday in question I spoke to Alastair Campbell before ringing them to discuss a number of issues that were running. He asked me to draw the Political Editors' attention to the very strong denial I had issued at the 11.30 briefing on the previous Thursday concerning the Spectator piece about the Prime Minister and the Queen Mother's Lying in State.

I rang Simon Walters at about midday. Our conversation focussed on a number of other Government matters. I asked him at the end whether the paper was likely to be following the Osborne story. He said that they would be as they had established that Clare Sumner had spoken to Black Rod. I said we had never disputed that fact. What was a lie was the interpretation that had been put on that call. He then asked for our response to the fact that the call had taken place which appeared in the story the next day.



GODRIC SMITH
20 May 2002



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NEWSROOM

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CHRONOLOGY OF CONTACTS BETWEEN NO 10 AND BLACK ROD'S OFFICE CONCERNING HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER'S LYING-IN-STATE ON 5TH APRIL 2002.

In the light of the continuing press comment about the events leading up to the Lying-In-State at Westminster Hall on the 5th April 2002, we are releasing a chronology of the contacts between No 10 and Black Rod's office concerning the Lying-In-State.

The chronology has been prepared on the basis of extensive enquiries made within No 10.

We are also releasing the evidence provided by No 10 in support of the complaint to the Press Complaints Commission.

At no stage was the Prime Minister involved in any of the enquiries made by members of his staff to Black Rod's office concerning the arrangements for the Lying-In-State. Nor did those members of staff discuss their contacts with Black Rod's office with the Prime Minister at any stage. Each of the contacts set out below occurred because of the need for members of the staff to clarify the detailed arrangements, including the security considerations, not because of any instruction, suggestion, or request by the Prime Minister to change the arrangements.

All of the contacts by members of No 10 staff with Black Rod's staff were for the purpose of clarification, and not for the purpose of seeking to change the arrangements or the Prime Minister's role in the process. It is routine that for any outside event attended by the Prime Minister detailed planning needs to take place for security and logistical reasons.

Black Rod's own statement, given to the press, confirms this. In it, he said:

"In the aftermath of the news of the death of the Queen Mother, I was contacted by Number 10 to brief them on the Prime Minister's role. At no stage was I asked to change the arrangements."

CHRONOLOGY

30th March 2002: Her Majesty Queen Elizabeth The Queen Mother dies.

31st March 2002 (Easter Sunday):

Late Morning: Clare Sumner, duty private secretary, talks to Black Rod - both of them on mobile telephones. She rang to establish exactly what was required of the Prime Minister and Mrs Blair, so that she could prepare a briefing note for the Prime Minister. She referred to the fact that the internal guidance she had (dated from 1994 - see attached), showed the Prime Minister (and the Leader of the Opposition) meeting the coffin. Black Rod said his guidance did not say that. In the guidance he had, it was the Lord Chancellor and the Speaker who met the coffin. He gave more details about the event. Clare Sumner said all of this was absolutely fine. At no point did she suggest that the Prime Minister should meet the coffin or in any way question the arrangements. At no point did she express any disappointment about the arrangements. At no point was any bigger role sought for the Prime Minister (see Clare Sumner's statement to the Press Complaints Commission).

Clare Sumner made no further calls concerning the Prime Minister's role. She did have a few short telephone conversations (three or four) with Black Rod about the invitations for spouses to the ceremony and the timetable.

After the telephone calls, Clare Sumner wrote a memo to the Prime Minister about the arrangements (see attached in the evidence submitted to the PCC).

Clare Sumner then went on leave, and the matter was dealt with thereafter by the new duty private secretary. There were no further contacts between Clare Sumner and Black Rod before the Lying-In-State.

There were the following further contacts between No 10, and Black Rod's office, and contact on the day between Black Rod and the Prime Minister's protection officer (detailed below):

2nd April 2002:

Afternoon: The duty private secretary spoke to Black Rod to clarify the final arrangements for the Lying-In-State, including the final timetable, which entrance the Prime Minister should use, where he should stand, and how the procession was to leave Westminster Hall. Black Rod offered to send a detailed plan of the layout of the Hall, which would include where the Prime Minister would be. This was gratefully accepted and the plan was sent over to No 10 by Black Rod's office.

3rd April:

Morning: A protection officer from Downing Street attended a briefing and walk-through for the ceremony.

Afternoon: Enquiry about a different matter concerning how Mrs Blair could pay her respects at the Catafalque on Monday 8th April was made by the No 10 Events and Visits office to Black Rod's office.

Later in the afternoon: Clarification sought by the duty private secretary from Black Rod, of whether any special protocol was to be observed by the Prime Minister when passing the Catafalque. Black Rod confirmed that there was not.

5th April:

Morning: Before leaving No 10, it was suggested that the Prime Minister might walk to Westminster Hall. After briefly

considering the matter, including the security considerations, it was decided, within No 10 without feedback from Black Rod to drive. Whilst the matter was being considered, a protection officer in Downing Street, who would travel with the Prime Minister, notified the detective waiting for him in Westminster Hall that the Prime Minister might walk. The detective at Westminster Hall told Black Rod that the Prime Minister was going to walk, and asked Black Rod if there was any problem with the Prime Minister going through the North Door. Black Rod said that was no problem. There was no feedback of this to No 10. As agreed, the Prime Minister was driven to Westminster Hall.

LINKS AND FURTHER INFORMATION

PM's statement on the Press Complaints Commission case on Her Majesty Queen Elizabeth's he Queen Mother Lying-in-State

The evidence document submitted to the PCC (PDF) will be available soon.

Back to Newsroom

02072108597

**dca**

Department for
Constitutional Affairs
Justice, rights and democracy

Baroness Ashton of Upholland
Parliamentary Under Secretary of State
Selbourne House
54 Victoria Street
London
SW1E 6QW

**The Rt Hon Lord Falconer
of Thoroton**

Secretary of State and
Lord Chancellor
Selborne House
54 Victoria Street
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T 020 7210 8380
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E lordchancellor@dca.gsi.gov.uk
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DT
CC
KCG

12 February 2005

Dear Cathy,

FREEDOM OF INFORMATION MEMORANDUM OF UNDERSTANDING

Your letter to me of 4 February sought MISC28 agreement to a formal memorandum of understanding between the Information Commissioner and Government departments on the operation of certain aspects of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Subject to taking account of the points below, you may take it that you have the agreement of MISC28.

Responses were received from David Miliband (9 February), Patricia Hewitt (9 February), Norman Warner (9 February), Nick Raynsford (10 February) and Adam Ingram (14 February).

David welcomed clarity of procedures in the event of complaints and endorsed the memorandum of understanding. Patricia and Norman were content.

Nick welcomed the memorandum as a constructive step towards demonstrating our commitment to working closely with the Information Commissioner, but questioned the definition of "a reasonable period of time" referred to in the final sentence of paragraph 21. I understand that following discussion at official level it has been agreed that there will not be a tighter definition at this stage so that decisions can be made on a case by case basis. I am aware that the memorandum of understanding will be reviewed in the summer to look at issues arising from its early operation and that you will look again at this point then.

Nick had two further points of detail which I understand have been included in the final draft.



INVESTOR IN PEOPLE

02072108597

Adam noted that your officials had taken account of detailed comments from Ministry of Defence officials and was therefore content for you to proceed.

You may therefore take it that you have MISC28 agreement, subject to taking account of Nick's points.

I am copying this letter to the Prime Minister, members of MISC28 Committee and Sir Andrew Turnbull.

*Law,
Olin*

LORD FALCONER OF THOROTON



MINISTER OF STATE FOR
THE ARMED FORCES

MINISTRY OF DEFENCE
FLOOR 5 ZONE B MAIN BUILDING
WHITEHALL LONDON SW1A 2HB

Telephone: 020 7218 9000 (Switchboard)

DT
ce/AP

D/MST/2/9

14 February 2005

Dear Baroness Ashton

Thank you for your letter of 4 February on this subject. Geoff Hoon is away at present but he has asked me to reply on his behalf.

We fully agree the importance of having a clear understanding with the Information Commissioner, particularly in relation to the management of appeals and the information he holds in that context. As you will be aware Ian Andrews, MOD's Information Champion, wrote last week with some detailed comments and suggested amendments to the draft MOU. I understand that your staff have now agreed changes with the Commissioner that take account of our concerns. I am therefore content for the revised MOU to proceed to conclusion.

I am copying this letter to the Prime Minister, Cabinet Ministers, members of MISC 28, and Sir Andrew Turnbull.

Yours Aye
Adam

The Rt Hon Adam Ingram MP

Baroness Ashton of Upholland

Private Office



INVESTOR IN PEOPLE



10 DOWNING STREET

PM

FOI

what is the ^{need}
↓ direction
a recommendation.

This is becoming a real problem.
I attach the list of requests to No 10
so far. The system is beginning to
stir up - Private office, duty checks
etc - Costing us nearly £20,000 a
week. It is the same across government,
and we need to do something.

I also attach a request just in
from Michael Howard for papers on
his time as T.H.O. He himself has
been with T.H.O. to inspect the papers

✓✓

Jonathan Powell

From: Daniel Thornton
Sent: 11 February 2005 13:27
To: Anne Shevas; David Hill; Hilary Coffman; Ivan Rogers; Jonathan Powell; Nicholas Howard; Sally Morgan; Emily Miles; Justin Russell
Subject: Michael Howard: FOI requests [UNCLASSIFIED] [Non-Record]

Michael Howard taking control of the FOI requests that have been submitted to HO about his period as Home Secretary.

-----Original Message-----

From: Luchford Diana [mailto:Diana.Luchford@homeoffice.gsi.gov.uk]
Sent: 11 February 2005 12:20
To: Talbot Mark - Cabinet Secretary's Office -; Hill Robert (Special Advisor); Thompson Richard
Cc: Toker John; Ciniewicz Penny - Cabinet Secretaries Office -; Daniel Thornton; Gipson Claire; Williams Mark (PS)
Subject: FW: Emailing: dl 1102 howard - gieve freedom of information requests.tif

Please find enclosed a letter which John Gieve has received from Michael Howard today, and which Michael Howard has released to the press.

For new readers, some background. Michael Howard has been into the Home Office this week to look at papers relating to the Al Fayed citizenship paper and the case of Haase and Bennett, under the convention which permits former Ministers to have sight of papers they dealt with when they were in office. He also requested sight of the passport application of Petronella Wyatt but a search at UKPA turned up only her original application form and grant papers, which as personal information are protected by the DPA and which MH could not therefore see. His office seemed to accept this when I explained the position to them.

Michael Howard has also seen the papers relating to Derek Lewis and the Parkhurst escape because they have been the subject of a separate FOI request for disclosure.

The attached letter requests immediate disclosure of all the papers listed "in the interests of openness" and has been copied to the Press.

It has been agreed that the Home Office should deal with this request for disclosure as a normal FOI request, including referring the papers to the DCA clearing house before any disclosure is made. I should be grateful if **Richard Thompson** could process Michael Howard's request in the normal way.

In response to media inquiries our line to take should be :

"The Home Office has received a request for disclosure of papers under FOI and is dealing with it in the normal way".

We may be asked whether or not Michael Howard has already seen the papers. He may himself tell the Press that he has. We should not volunteer this information, but can confirm it is the case if pressed.

I will draft a reply to Michael Howard.

Diana Luchford
PS/John Gieve

-----Original Message-----

From: Jeffrey Lynette
Sent: 11 February 2005 11:57 AM
To: Luchford Diana
Subject: Emailing: dl 1102 howard - gieve freedom of information requests.tif

11/02/2005

THE RT HON MICHAEL HOWARD QC MP



HOUSE OF COMMONS

LONDON SW1A 0AA

LEADER OF THE OPPOSITION

Sir John Gieve KCB,
Permanent Secretary,
Home Office,
50 Queen Anne's Gate,
London SW1H 9AT

11 February, 2005

MH/SS/kas

Dear Sir John

I am writing to ask you, in the interests of openness, to release certain Home Office papers.

Over the last month, a number of issues relating to my time as Home Secretary have been raised. Requests have also been submitted under the Freedom of Information Act.

I believe in openness. I, therefore, want this information to be made public.

Can you please release immediately the papers which you hold relating to action taken by me as Home Secretary in relation to the following subjects:

The application for citizenship by Mr. Al Fayed.

My decision in the case of Haase and Bennett.

Events at HMP Parkhurst in 1995.

The departure of Derek Lewis from his post as the Director General of the Prison Service in 1995.

The passport application of Petronella Wyatt. (If, as I understand it, there are no such papers, could you please confirm this).



- 2 -

I would like all relevant papers to be published today.

I am releasing this letter to the press.

for signing
Michael Howard

MICHAEL HOWARD



Home Office

Leigh Lewis, CB
PERMANENT SECRETARY
Crime, Policing, Counter Terrorism & Delivery
2 Marsham Street, London SW1P 4DF
Tel 020 7035 1440 Fax 020 7035 1441

Rt Hon Michael Howard QC MP
House of Commons
London
SW1A 0AA

11 February 2005

Dear Michael

Thank you for your letter of today's date to John Gieve. John is in India and I am replying on his behalf.

Earlier this week in accordance with the convention which permits Ministers of a former administration to see but not retain official documents which they saw as members of that administration, you asked for and were given access to certain of the papers that you list.

We are handling the request in your letter of today's date in accordance with the terms of the Freedom of Information Act 2000, including any exemptions that should be applied.


We will of course, aim to reply to your request as quickly as possible within the overall aim of replying within the 20 working day deadline set out by the Act.

yours sincerely

Leigh Lewis

PP LEIGH LEWIS

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES PREM 49 PIECE/ITEM 4101/1 (one piece/item number)	Date and sign
Extract details: Report dated 11 February 2005	
CLOSED UNDER FOI EXEMPTION 40(2)	 10.10.2024
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer
or Number not used.



Office of the
Deputy Prime Minister

Creating sustainable communities

File

The Rt Hon Lord Falconer of Thoroton
Selborne House
54 Victoria Street
LONDON
SW1E 6QW

DT
cc: JH

The Rt Hon Nick Raynsford MP
Minister for Local and Regional Government

Office of the Deputy Prime Minister
26 Whitehall, London SW1A 2WH

Tel: 020 7944 3013 Fax: 020 7944 4539
E-Mail: nick.raynsford@odpm.gsi.gov.uk

www.odpm.gov.uk

Our Ref: R/002520/05

11 FEB 2005

Jean Charlie

Freedom of Information Memorandum of Understanding

I have seen Cathy Ashton's letter of 4 February to you about this proposed Memorandum of Understanding between the Department for Constitutional Affairs, on behalf of Government Departments generally and the Information Commissioner. The previous Memorandum of Understanding with the Parliamentary Commissioner was useful in defining Departments' and the Commissioner's roles and responsibilities under the now defunct Open Government Code of Practice on Access to Government Information, and I welcome this successor as a constructive step towards demonstrating our commitment to working closely with the Commissioner.

I do, however, have some comments about a couple of passages in the text of the Memorandum. Paragraph 19 of the Memorandum (at Annex A to the letter) refers to a paper drafted by the Commissioner ("Regulation under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004") which proposes circumstances in which he will serve a preliminary decision notice and those in which he will move straight to a decision notice. It would be helpful if the broad principles proposed by the Commissioner for distinguishing the two situations were to be rehearsed in the Memorandum instead of a reference - without any link - to a further document.

Secondly, on a point of clarification. In paragraph 21 of the Memorandum, the final sentence states that the Commissioner will give Departments and complainants a reasonable period of time to digest the Notice before himself putting it in the public domain. It would be helpful to include a more precise definition of what constitutes "a reasonable period of time". Is it to be twenty working days in line with the period provided for in section 53 the Act for an "accountable person" to issue a certificate stating that in his opinion there has been no failure under section 53(1)(b)? And, to be clear, we would want confirmation that "it" in the final line of that paragraph which the Commissioner would be making publicly

available would be the Notice and just the Notice, and not any of the information that has been supplied to him in accordance with paragraphs 6 & 7 of the Memorandum of Understanding or in response to any Information Notice that previously served by the Commissioner on the Department.

I am copying this to the Prime Minister, MISC28 Colleagues, Cabinet Ministers (for information) and to Sir Andrew Turnbull.

Yours ever

Nick

NICK RAYNSFORD

FAXED ? nlt

9 February 2005

The Rt Hon Lord Falconer of Thoroton
Secretary of State and Lord Chancellor
Department for Constitutional Affairs
Selborne House
54-60 Victoria Street
LONDON
SW1E 6QW

dti

The Rt Hon Patricia Hewitt MP
SECRETARY OF STATE
FOR TRADE AND INDUSTRY

DTI
✓ IR

Dear Charlie,

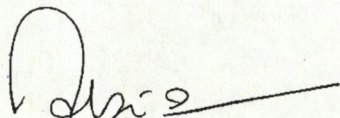
**FREEDOM OF INFORMATION ACT MEMORANDUM OF
UNDERSTANDING**

Baroness Ashton wrote to you on 4 February seeking agreement to a Memorandum of Understanding between the Information Commissioner and government departments on the operation of certain aspects of the FOI Act

I am generally content with the draft MOU. Officials will be suggesting to yours some clarifications to the MOU that I hope can be taken on board.

I am copying this letter to the Prime Minister, MISC 28 colleagues, Cabinet Ministers and to Sir Andrew Turnbull.

Best love,



PATRICIA HEWITT

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Baroness Ashton of Upholland
Department for Constitutional Affairs
Selbourne House
54 Victoria Street
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SW1E 6QW

SI
✓ CIR

9 February 2005

Dr. Carr,

FREEDOM OF INFORMATION MEMORANDUM OF UNDERSTANDING

Thank you for your letter of 4 February.

I welcome the clarity of the procedures in the event of complaints and I am sure it is right to have such a document. I am happy, therefore, to endorse the Memorandum of Understanding between the Information Commissioner and the Secretary of State for Constitutional Affairs acting on behalf of government departments.

Yes

J

DAVID MILIBAND

*Copies to the Prime Minister, MISC28, Cabinet Ministers
and Sir Andrew Turnbull.*



02072108597

**dca**

Department for
Constitutional Affairs
Justice, rights and democracy

DT
✓ KEG
DL
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RESTRICTED - POLICY

Baroness Ashton of Upholland
Parliamentary Under Secretary of State
Selborne House
54 Victoria Street
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9th February 2005

Dear Baroness Ashton,

**GOVERNMENT RESPONSE TO THE CASC REPORT ON IMPLEMENTATION OF
FREEDOM OF INFORMATION**

Your letter to me of 31 January sought MISC28 clearance to publish the Government's response to the Constitutional Affairs Select Committee report on implementation of the Freedom of Information Act 2000. This letter confirms MISC28 agreement, subject to taking account of the points below.

Responses were received from Patricia Hewitt (7 February), John Reid (8 February), Fiona Mactaggart (8 February) and Nick Raynsford (9 February).

John supported the policy thus far of allowing public bodies flexibility to take responsibility for their own freedom of information readiness and tailor implementation to meet their business needs. He felt that if the Department for Constitutional Affairs were to take a greater leadership role for the wider public sector, the role should accept the need for such a policy to remain and run parallel to existing devolved governance arrangements.

He suggested one amendment to paragraph 16 to indicate the number of NHS public authorities involved:

"...Model Publication Schemes were also developed for NHS trusts and Strategic Health Authorities. As a result all NHS public authorities, which number over 600, successfully adopted and published their publication scheme in accordance with implementation timetable. By advising..."

Patricia was content. Fiona outlined the work the Home Office had done to prepare for implementation and endorsed the draft response.



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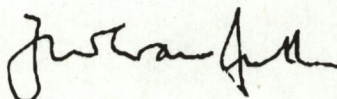
Nick was content with the proposed response, but asked for paragraph 23 to be amended so it reads:

"Responsibility for implementation of the Freedom of Information Act lay with each individual public authority covered by the Act. The Office of the Deputy Prime Minister, the Local Government Association and the Improvement and Development Agency have worked hard with the local government sector to implement the Act and will continue to do so to assist effective implementation."

Subject to making the changes to the text as suggested by John and Nick, you may take it that you have MISC28 clearance to publish.

I am copying this letter to the Prime Minister, members of MISC28 Committee and Sir Andrew Turnbull.

Yours sincerely,



ff. LORD FALCONER OF THOROTON
(Approved by the Secretary of State
and signed in his absence)

RESTRICTED - POLICY

FAXED

dti

7 February 2005

The Rt Hon Patricia Hewitt MP
SECRETARY OF STATE
FOR TRADE AND INDUSTRY

The Rt Hon Lord Falconer of Thoroton
Secretary of State and Lord Chancellor
Department for Constitutional Affairs
Selborne House
54-60 Victoria Street
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DT
CCGW
RB

Dear Charlie,

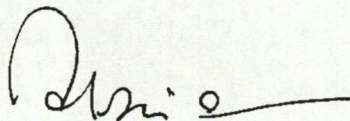
**GOVERNMENT'S RESPONSE TO THE CASC REPORT ON
IMPLEMENTATION OF FREEDOM OF INFORMATION**

I am responding to Baroness Ashton's letter to you of 31 January enclosing the draft Government response to the CASC report on implementing the Freedom of Information Act.

I am content with the draft response. While there may be some mileage in a few points of criticism that the Committee have raised, I am conscious of the enormity of the FOI initiative and the good work that your Department put into place to prepare Government and the public sector for FOI.

I am copying this letter to the Prime Minister, MISC28 and to Sir Andrew Turnbull.

Best wishes,



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Already Read
File



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RESTRICTED - POLICY

PRIME MINISTER

7th February 2005

Dear Prime Minister,

Freedom of Information - Ministerial Diaries

At Cabinet and MISC28, colleagues broadly supported the principles set out in my paper to Cabinet of 26 January 2005 setting out proposals for handling FOI requests relating to ministerial diary information. Following our discussions, I attach a further version, in line with the agreed principles, but setting out in more detail how the line will be drawn and the process we will follow.

I hope this takes account of the various points made by colleagues. I am putting the proposal to Cabinet on Thursday for agreement.

Firstly, I want to reiterate the reasons why we need to agree on a defensible approach. We may expect any early refusal of ministerial diary information to be swiftly submitted for internal review, and subsequently referred to the Information Commissioner, with a decision expected by him sometime in April. Given the media interest, and the overseas precedents for the release of diary information, it is clear that our diaries will come under significant pressure.

If we are seen as inappropriately withholding information, where the public interest is clearly in favour of disclosure, it will undermine the credibility of the Government's approach not just to diaries, but to other categories of information where exemptions might be applied. The wider implications are clear: the Commissioner would be likely to place much less faith in the Government's analysis of where the public interest lies. In other words, we will significantly undermine our ability to protect the legitimate interests that we wish to defend. A pragmatic and sustainable approach in this area will mitigate the risk of undermining our wider approach and also allow us robustly to defend where the line is drawn on diary information.

Secondly, I want to set out the principles on which we agreed that our approach should be based. I emphasise that these principles are a starting point. There will of course be occasions where these broad principles do not apply, and exemptions in the Act are

engaged and the public interest test must be applied. The process we put in place will ensure these concerns can be highlighted at an early stage, and then appropriate consideration can be given to exemptions and the public interest test.

(a) for proactive disclosure three months in arrears

The following categories of diary information would be proactively published. For example, in March diary information from November 2004 to January 2005 will be published, in June from February 2005 to April 2005 and so on.

- i. all engagements already in the public domain including speeches, Parliamentary commitments, visits, etc.
- ii. meetings of Cabinet;
- iii. meetings of Cabinet Committees;
- iv. regular meetings in the course of business with representative bodies, trade organisations etc. (For example: Law Society, NFU, CBI etc.). This would also include office holders in representative capacity. Individual meetings in this category might need to be withheld if there is a particular public interest in doing so, e.g. where commercial interests or sensitive negotiations are involved;
- v. meetings with representatives of overseas governments and international organisations and courtesy calls. Individual meetings in this category might need to be withheld if there is a particular public interest in doing so, e.g. where issues of national security or international relations are involved.

(b) for consideration on case-by-case basis when request is made

- vi. meetings with individuals or individual companies. A number of exemptions may be applicable depending on the context, for example, s36 (Prejudice to effective conduct of public affairs) or s43 (Commercial Interests).

(c) resist disclosure

- vii. internal or inter-departmental meetings with ministers and/or officials;
- viii. all future engagements (except where they have been formally advertised or announced e.g. speaking engagements etc.).

(d) information 'not held' for the purposes of FOIA

(d) information 'not held' for the purposes of FOIA

- ix. Political, constituency and personal meetings. Where a meeting might be considered political, the test will be whether a Minister attended the meeting in a Ministerial or Party capacity.

Colleagues agreed we should use these principles to govern a proactive approach to the disclosure of diary information. A proactive approach has two key advantages – firstly it gives us a vehicle by which to deal with a number of requests, by pointing towards the future publication of the information, and secondly, it allows us to take control of the process. Rather than having to respond to numerous requests we will be able to manage the process and resource implications of these requests in a manageable way.

At annex A, I set out a proposed process and timetable for such an approach. I recognise that there are other alternatives, either for a longer period on the first occasion and/or a different period of arrears, however I believe my proposal is a measured approach in the first instance. Additionally, at annex B in response to queries from colleagues I set out two examples of how these circulars might appear. One is broadly based on my diary, the other on Patricia Hewitt's, whom I must thank for allowing me to use her diary as an example in this way.

This letter is copied to members of the Cabinet, MISC28 and Sir Andrew Turnbull.

Yours sincerely,



PR. LORD FALCONER OF THOROTON

**(Approved by Lord Falconer and signed
on his behalf by the Private Secretary)**

Annex A – The Proactive Approach

Why should we proactively disclose?

Proactive disclosure provides a sustainable and positive approach to the release of diary information. The proactive approach gives Government control of the process by which diary information is released and allows a co-ordinated and common approach to the release of information, whilst minimising the resource implications.

What would we disclose?

A list of meetings / engagements drawn from each Minister's diary based on the principles set out under part (a) of the proposal.

In addition to the detail, a general form of words would be agreed to cover general inter-ministerial and minister-civil servant engagements, the detail of which will generally be withheld citing section 35(1)(a).

How would we disclose this?

In order to meet colleagues concerns about security, I propose we release the information in the form of a weekly list, not specifying the day or the time. For example:

Diary Circular of the Lord Chancellor and Secretary of State for Constitutional Affairs, Lord Falconer

Engagements 1 November 2004 to 31 January 2005

Week commencing Monday 1 November 2004

Lord Falconer met with the Law Society, the Bar Council and...

Lord Falconer attended the Law Society dinner and gave a speech on...

Lord Falconer attended a conference on reform of family justice..

In addition, the Lord Chancellor attended a range of meetings with ministerial colleagues and his officials to discuss a range of policy issues.

When would we disclose this?

I propose that the first tranche would be published in March, containing information from November, December and January. This would allow time to prepare the Circulars and for the Minister responsible to agree them. It would also allow officials to check any cross references and ensure consistency. A longer time lag is likely to be unacceptable to the Information Commissioner.

Publication date	Information from
March 2005	November 2004 December 2004 January 2005
June 2005	February 2005 March 2005 April 2005
September 2005	May 2004 June 2004 July 2005

It would be sensible to review progress in the light of experience after the releases in June – by which time six months' worth of diary material will have been released.

The review should cover:

- Time lag between diary engagements and date details released
- Number and nature of requests that follow on from release of circulars, e.g. regarding dates of engagements
- Response of the Information Commissioner

How would the process work?

Whilst the precise details can be agreed in consultation with Minister's offices, we would propose:

Private Offices complete a template and send through to the Clearing House. In it they would identify meetings in category (a). Where there are concerns about releasing a particular meeting in this category, this should be highlighted and Clearing House would advise on a case by case basis.

Private Offices may wish to consider putting in place a procedure to highlight where meetings/engagements may need to be removed from the return.

Annex B: Examples

Diary Circular of the Lord Chancellor and Secretary of State for Constitutional Affairs, Lord Falconer

Week commencing Monday 7 June 2004

Lord Falconer carried out swearing-in ceremonies for Shani Barnes, David Turner, Peter Wulwik, District Judge Nicolas Madge, Richard Foster and Jeremy Carey.

He attended the weekly Cabinet meeting and two Cabinet Committees.

His Parliamentary commitments comprised sitting as Speaker of the House of Lords, participating in the Lords Committee stages of the Constitutional Reform Bill and appearing before a session of the Constitutional Affairs Select Committee to answer questions on the Supreme Court elements of that Bill.

He attended a reception in honour of Lord Irvine at which Lord Irvine was awarded the Commander's Cross of the Order of Merit of Poland and a dinner at the Law Society.

He gave interviews to Hearsay magazine, Legal Week and Frances Gibb of The Times.

He made a visit to Liverpool and met resident groups in Kirkby and Huyon, attended a lunch hosted by Knowsley Metropolitan Borough Council, met local police to hear views on courts and the use of ASBOs, and visited a Community Justice Centre Pilot Team and Liverpool City Magistrates' Court.

In addition, Lord Falconer attended a range of meetings with ministerial colleagues, his officials and others to discuss a range of policy issues.

Examples of engagements not included in the circular

- Weekly Forward Look meeting with officials and Special Advisers
- Ministers Lunch
- Briefing meeting in advance of MISC28
- Briefing meeting on Government amendments for Committee stage of Constitutional Reform Bill
- Pre-Committee meeting with peers on Constitutional Reform Bill
- Meeting with officials, Special Advisers and Chief Executive of Legal Services Commission to agree way forward on Very High Cost Criminal Cases.
- Phonecall with Judge LJ to discuss the Technology and Construction Court
- Political meeting with Special Advisers and Ministers
- Meeting to discuss Supreme Court with Senior Law Lord, Lord Bingham

Examples of details 'not held' for the purposes of the FOI Act

- Private dinner on Monday evening

- Private lunch with Andrew Rawnsley and Patrick Wintour
- Wedding attended on Saturday

Diary Circular of the Secretary of State for Trade and Industry

Week commencing Monday 1 November 2004

Patricia Hewitt attended the weekly Cabinet meeting and two Cabinet Committees and answered oral parliamentary questions on DTI and women's issues [or suitable formula for describing oral PQs].

She chaired the first meeting of the West Cumbria Strategic Forum, spoke at an Efficiency Seminar for senior DTI officials, and attended a reception to celebrate the 30th birthday of Women's Aid.

She held meetings or phone calls with Julie Mellor, Equal Opportunities Commission; Bert Massie, Disability Rights Commission; Bryan Gray, North-West England Development Agency; Allan Leighton, Royal Mail; David Frost and Bill Midgley, British Chambers of Commerce; and area MPs and local representatives from the North and West of Scotland.

She participated in a two-day British-Spanish conference in Madrid, Spain, at which she gave a keynote speech.

In addition, Patricia Hewitt attended a range of meetings with ministerial colleagues, her officials and others to discuss a range of policy issues.

Examples of engagements not included in the circular

- Lobbying phonecalls made to Stephen Hughes MEP and Dutch Minister De Geus
- Meeting with recruitment consultants to discuss senior appointment
- Regular meeting to discuss Royal Mail issues with DTI officials
- Phonecall with Group Vice-President of Ford Cosworth
- Bilateral meeting with Alan Milburn
- Bilateral meeting with DTI Permanent Secretary
- Bilateral meeting with Charles Clarke
- Political meeting on childcare with other Ministers and No 10 special advisers

Examples of details 'not held' for the purposes of the FOI Act

- Political engagement with the Parliamentary Labour Party
- Cross-party meeting with Leicestershire Chief Constable on constituency issues



Department for
Constitutional Affairs
Justice, rights and democracy

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The Rt. Hon. Lord Falconer of Thoroton
Chair, MISC 28
Selborne House
54 Victoria Street
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4 February 2005

Dear Chamber,

DT

*cc KEG
IR*

Freedom of Information Memorandum of Understanding

The purpose of this letter is to seek MISC 28 agreement to a formal Memorandum of Understanding between the Information Commissioner and government Departments on the operation of certain aspects of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. This MoU is a successor to that which existed between government and the Parliamentary Commissioner for Administration (in respect of the Code of Practice on Access to Government Information). Presentationally, it would be valuable if the MoU could be in place in time for DCA's response to the CASC report on Fol: as this is due on 14th February, replies are needed by Thursday 10th February, so that there is time to make any consequential changes necessary.

I am writing to MISC 28 for endorsement of the Memorandum of Understanding between the Secretary of State for Constitutional Affairs, acting on behalf of Government Departments as a whole, and the Information Commissioner (The MoU is attached at Annex A.) As, for presentational reasons, we would like to be able to have the MoU published at the same time as our response to the CASC report, we need responses by 10 February, to enable us to take on board any consequential drafting changes.

The purpose of this MoU is to establish clarity and agreed understanding of the role of the Commissioner and of the Department where complaints are made to the Commissioner under the Freedom of Information Act and Environmental Information Regulations. This, in turn, is intended to deliver consistent and cost effective co-operation. Once endorsed, we would expect the MoU to be promoted within all Departments.

I recommend you endorse this document for the following reasons:

- (i) A MoU is necessary given that, when the Code of Practice on Access to Government Information was operational, a MoU existed between the



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Parliamentary Commissioner for Administration (PCA) and Government Departments. We therefore need to have a similar agreement in place now that the Freedom of Information Act has come into force

- (ii) This MoU is subject to the provisions of the FOIA. It in no way reduces the level of protection offered under the Act for information that Departments properly believe should not be disclosed.
- (iii) Because of the specific concerns for the security of section 23/ 24 material, the Agencies have drafted a separate Annex to cover this material
- (iv) Where material is so sensitive it cannot leave the offices of the Department in question, then the Commissioner agrees to come to the Department to inspect it. Where this is not the case, but the material is still subject to stringent security considerations or similar considerations (i.e. it is highly sensitive) then the Commissioner will agree to inspect the information *in situ*, unless there are overriding reasons why inspection would significantly obstruct the discharge of his statutory functions.

In the preparation of the MoU, my officials have liaised extensively with those from the National Security Agencies, Cabinet Office, No 10, DEFRA and the Treasury Solicitor's Department. Wider consultation with other Departments on the detail of the MoU has, so far, been somewhat constrained by the CASC timetable and by the need to agree the basic position with the ICO, but copies have now been sent to Information Champions and the Freedom of Information Practitioners Group. Given the work that has already been done, I would hope that there is nothing in the MoU with which Departments would feel uncomfortable and I endorse it to colleagues.

Copies of this go to the Prime Minister, MISC 28 Colleagues, Cabinet Ministers (for information) and to Sir Andrew Turnbull.

Yours sincerely,

Cathy
CATHERINE ASHTON

Memorandum of Understanding (MoU) between the Secretary of State for Constitutional Affairs (on behalf of government Departments) and the Information Commissioner, on co-operation between government Departments and the Information Commissioner in relation to sections 50 and 51 of the Freedom of Information Act 2000 (the "FOI Act") (including ss.50 and 51 as applied, as amended, by Regulation 18 of the Environmental Information Regulations 2004).

Roles of the Information Commissioner and government Departments under the FOI Act and the Environmental Information Regulations 2004 (EIRs)

Purpose of the MoU

1. The purpose of this Memorandum of Understanding is to promote good standards of co-operation between Departments and the Commissioner:
 - (a) in dealing with applications made to the Commissioner for a decision under section 50 of the FOI Act ; and
 - (b) where the Commissioner is considering serving a notice under section 51 of the FOI Act.
2. This MoU does not apply in situations in which an exemption under one or any of sections 23 or 24 of the FOI Act, or the exception in regulation 12(5)(a) (insofar as that regulation relates to national security) of the EIRs is engaged. Such situations are dealt with at Annex 2 to this MoU.
3. The Definitions in Annex 1 apply to this MoU. The respective roles and responsibilities of the ICO and DCA under the FOI Act and the EIRs will be summarised in a separate document, to which this document is subject. This MoU sets out guideline procedures designed to apply in the majority of cases. It is recognised that, because of unusual complexity or sensitivity, there may be some exceptions to these procedures. Departments may need to consider procedural issues on a case by case basis in the particular circumstances arising, but will continue to have regard to the procedures set out in the MoU as far as possible.
4. This MoU takes effect subject to the FOI Act, the EIRs and any other relevant legal provisions. For the avoidance of doubt nothing in this MoU shall operate to restrict or otherwise inhibit the exercise of the Commissioner's or Department's powers and duties under the FOI Act or the EIRs.

9. The Commissioner will not disclose to the Complainant or to any third party any information provided to him by a government Department either under the terms of this MoU, or as a result of serving a notice under section 50 or 51 of the FOI Act unless:
- the Department consents to the disclosure;
 - the information was provided for the purpose of its being made public (in whatever manner) under any provision of the FOI Act or EIRs;
 - the disclosure is made for the purposes of, and is necessary for, the discharge of -
 - any functions under the FOI Act or EIRs, or
 - any Community obligation;
 - the disclosure is made for the purposes of any proceedings, whether criminal or civil and whether arising under, or by virtue of, the FOI Act, EIRs or otherwise;
 - having regard to the rights and freedoms or legitimate interests of any person, the disclosure is necessary in the public interest; or
 - the disclosure is made otherwise in accordance with the law.
10. Where a Department relies upon an exemption from the duty to confirm or deny whether it holds the information of the description specified in the request, the Commissioner will not seek access to that information where it is possible to judge the strength of a decision neither to confirm or deny the holding of information without inspecting the information itself.
11. The Commissioner will not hold information provided to him under this MoU for longer than is necessary for the discharge of his statutory functions. The Commissioner shall, in consultation with the Department, arrange for the return or other disposal of the information, where necessary.
12. The Commissioner will ensure that any information that is protectively marked will be kept under the conditions of security required by the Manual of Protective Security for as long as he retains the information.

13. The Commissioner agrees to inspect in situ papers which are particularly sensitive and therefore would not be circulated beyond the offices of the Department in question.
14. Where stringent security or similar consideration so demand, the Department may indicate that it would, in their view, be more appropriate for the Commissioner himself, or nominated members of staff, to inspect the information, rather than be provided with it. The Commissioner will take full account of such a view and not refuse any such representations unless there are overriding reasons why inspection would significantly obstruct the discharge of his statutory functions.
15. Inspection of the information may also be agreed in other cases where to do so would be in the mutual interests of the Commissioner and the Department, for instance where the information involved is voluminous, or where it would be helpful to have matters of a technical nature explained to a member of the Commissioner's staff.

Processes on whether to issue a Decision Notice

16. The Commissioner will consider all information provided to him in reaching a decision whether to serve either a Decision Notice or an Information Notice on the Department.
17. The Commissioner will contact both the Department and the Complainant, whenever appropriate, throughout his consideration of a complaint and, in any event, will normally provide progress reports every 28 days.
18. Wherever practicable, the Commissioner will explore the scope for a settlement of the complaint, which would be acceptable to the Complainant and to the Department. Where such settlement can be achieved – for example, by disclosure of some of the information requested – he will invite the Complainant to withdraw the complaint.

Preliminary Decision Notices

19. Before serving a Decision Notice, the Commissioner will consider issuing a (non-statutory) Preliminary Decision Notice and invite the Department to comment on it within 28 working days. The Commissioner undertakes to consider any such comments before deciding to serve a Decision Notice under section 50 of the Act. The decision as to whether to serve either a Preliminary Decision Notice or a Decision Notice shall be informed by the policy set out in Annex 2 of the Commissioner's paper "Regulation under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004."

20. Where a Department does not agree to the steps suggested in the Preliminary Decision Notice, it will inform the Commissioner accordingly, setting out its reasons. Efforts will be made between the Commissioner and the Department in question to understand why the Preliminary Decision Notice has not been accepted and to explore alternatives.

Decision Notices

21. If the Commissioner decides to issue a formal Decision Notice under section 50(3)(b) of the Act, he shall serve the Notice on the Department and the Complainant simultaneously. He will give both Departments and complainants a reasonable period of time to digest the Notice before himself making it publicly available.
22. Where the Department proposes to serve a certificate under section 53 of the FOI Act, it will, wherever possible, inform the Commissioner in advance.
23. The Commissioner shall not serve a Decision Notice, which may reveal or refer to "market sensitive" information without first being satisfied as to the relevant regulatory requirements.
24. The Commissioner will only publish complaint case summaries after the period for appeal to the Information Tribunal has passed, or otherwise following the conclusion of any appeal proceedings. He may, however, comment upon Decision Notices once these have been made public without, of course, revealing any information which might be subject to an appeal. Any complaint case summaries will not reveal information which may be exempt under the FOI Act or the EIRs.

General

25. Wherever possible, the Commissioner and Departments shall communicate by means of electronic communication.
26. This MoU shall be kept under review and will be amended, as necessary, in the light of experience.
27. The Department for Constitutional Affairs shall ensure that this MoU is widely disseminated within government and shall encourage compliance with it.
28. The Commissioner and the Secretary of State for Constitutional Affairs shall place copies of this MoU on their respective websites.

Annex 1: Definitions

In this Memorandum of Understanding:

"the DCA" means the Department for Constitutional Affairs

"The Commissioner" means the Information Commissioner

"MoU" means Memorandum of Understanding

"Department" means –

a) where the information to which the request relates is governed by the Freedom of Information Act 2000, a government department as defined in that Act, and

b) where the information to which the request relates is governed by the Environmental Information Regulations 2004, a government department as defined in those Regulations.

"The FOIA" means the Freedom of Information Act 2000 and references to the Act include, where the context so requires, the Act as amended by the Environmental Information Regulations.

"The EIRs" means the Environmental Information Regulations 2004.

"The Tribunal" means the Information Tribunal.

"Complainant" means a person who has applied to the Commissioner for a decision, under section 50 of the FOI Act .

"Information Notice" and "Decision Notice" have the meanings assigned to them in the Act.

Annex 2: Information to which s.23 and s.24 FOI Act and regulation 12(5)(a) EIRs apply

1. It is recognised that cases involving information relating to, or obtained from, the bodies specified in section 23 of the FOI Act and those where information has been withheld on national security grounds (section 24 of the FOI Act/ regulation 12 (5) (a) of the EIRs), are likely to be particularly sensitive. It is also accepted that the sensitivity of such cases means that there is likely to be a need for greater dialogue between the Commissioner and Departments before reaching any final conclusions.
2. Wherever practicable, the Commissioner will explore the scope for a settlement of the complaint which would be acceptable to the Complainant and to the Department. Where such settlement can be achieved, the Commissioner will invite the Complainant to withdraw the complaint.
3. It is envisaged that, in most cases, the issue will be resolved by dialogue between the Commissioner and the relevant Department(s). This will include discussion of the reasons and justification for relying on the exemptions under section 23 or 24 (or regulation 12(5)(a)) in a particular case).
4. Where the Commissioner requests access to information which has been withheld on the basis of the exemption in section 23 or 24 FOI Act (or regulation 12 (5) (a)), the relevant Department does not commit itself to providing the withheld information to the Commissioner, but will consider any request to so on a case by case basis.
5. It is envisaged that Departments will only seek a Ministerial Certificate under section 23 or 24 (or under regulation 12(5) (a) of the EIRs) where (i) the individual whose request for information has been refused complains to the Commissioner and (ii) the Commissioner indicates that he is minded to pursue the complaint and embark on the enforcement procedure under the FOI Act.
6. With this in mind, where the Information Commissioner intends to serve an information notice, wherever possible he will inform the relevant Department in advance.
7. By the same token, where the relevant Department proposes to serve a certificate under section 23 or 24 of the FOIA or under regulation 15 of the EIRs, wherever possible it will inform the Commissioner in advance.



DEPUTY PRIME MINISTER

MATRIX

1 MTA: Employment
2 File

DT
cc: SPM
GN

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The Rt Hon Alan Johnson MP
Secretary of State
Department for Work and Pensions
Richmond House
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S / January 2005

Dear Alan

**PROPOSAL TO RELEASE THE HEALTH & SAFETY COMMISSION'S
FORMAL ADVICE TO MINISTERS INTO THE PUBLIC DOMAIN**

Thank you for your letter of 16 December setting out the case for the proposal from the Chair of the Health & Safety Commission for proactively putting its formal advice to Ministers into the Public Domain. I see that you and Geoffrey are content with the HSC proposal.

This proposal as it is presented here gives me some concern. It seems to some extent to cut across the guidance and working assumptions coming out of Department for Constitutional Affairs that policy advice to Ministers forms an intrinsic part of the Ministerial "space" as part of the two-pronged strategy and should not, in general, be released until a considerable period of time has elapsed. As you note in your letter, the Freedom of Information Act, while it gives the public statutory rights to public authorities' information, does provide an exemption for formulation of Government policy unless it is in the public interest to disclose. And Ministers have so far sought to rely heavily on that exemption.

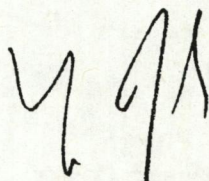
It is my view, therefore, that this proposal needs to be treated with some caution, in that, by creating a potential precedent for the release of formal advice to Ministers, it risks damaging the two-pronged strategy that MISC28 and Cabinet more generally have taken pains to develop. I note that the proposal does not encompass advice by Health & Safety Executive officials to Ministers, and I welcome that. I note too the list of circumstances in your letter where HSC would think twice before putting its

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advice to Ministers in the public domain. But I am not entirely convinced that these rather imprecisely drawn exceptions on their own provide a sufficient degree of cover. To be clear, I have no difficulty over the release of uncontentious and undisputed factual and statistical material underpinning the advice, and in this regard I am aware of the initiatives currently under way in a number of Departments to pilot forms of policy submissions that separate out the background factual information from the formal advice from officials to Ministers.

But I take the view that this proposal has such a potential to cause harm to the strategy of protecting the ministerial space that we need to have more precise information about what it would entail in hard practical terms of the nature of the advice that would appear in the public domain before committing myself one way or the other. I should like to see this considered in ministerial discussion before any blanket go-ahead is given to the proposal.

I am copying this letter to the Prime Minsiter, members of MISC 28 Committee and to Sir Andrew Turnbull.



JOHN PRESCOTT



dca

Department for
Constitutional Affairs
Justice, rights and democracy

FoI

DT & IR

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The Rt Hon Lord Falconer of Thoroton
Chair, MISC 28
Department for Constitutional Affairs
Selborne House
54 Victoria Street
London SW1E 6QW

31 January 2005

Dear noble,

Freedom of Information: Publication of FOI releases

I wrote to MISC 28 members on 20 December and I am grateful for the responses, which I am addressing collectively.

I am very pleased that there has been such a positive response to the proposal that when information of general public interest is requested, it should be made available to all. This approach will help to deliver the benefits of Freedom of Information by proactively opening up information held by Government Departments.

I am also encouraged to hear that Departments are putting in place the procedures to enable this to happen. To support this, my Department has produced a procedures document that sets out what we have implemented to comply with this requirement. This document has been sent to Directors of Communication and FOI practitioners.

Ruth Kelly and Nick Raynsford have expressed a concern about consistency of approach and the purpose of a standard line. As I suggested, DCA has developed a standard line, which I am confident will meet your needs. I recommend that Departments use the following standard line, where information requested is assessed to be of wider public interest and will be simultaneously published and released to the applicant.

"In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. The department therefore, will be simultaneously releasing to the public the information you requested together with any related information that will provide a key to its wider context."



INVESTOR IN PEOPLE

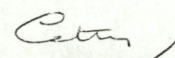
The purpose of a standard line is to ensure that all applicants are aware that the information they requested has been assessed as being of wider public interest and is being published more widely and to ensure that there is a consistent approach to responding to applicants across Government.

All requests, including those from the media and the general public, should be treated in the same, equitable way, in line with the Act's provisions, therefore, I would ask that this line is used in response to all applicants where the information is to be published more widely.

I understand from the Director of Communications for DCA that some Departments are experiencing some operational problems relating to the amount of information and size of documents that their web teams are being asked to put onto their web sites. There are also related issues of the need to meet the requirements of the Disability Discrimination Act. I am reassured that this problem is being addressed in a number of different ways and my Department will be issuing revised guidance to cover these points.

I am copying this letter to MISC28 colleagues for clearance, to Cabinet colleagues for information, to the Scottish First Minister and the Cabinet Secretary.

Yours sincerely,


CATHERINE ASHTON

N/T Nexus.

DCO pps

DP
6/8

✓ C. Stessa Stirling, Cabinet Office



2. file.

Margaret Thatcher

recd 14/2/05

4th February 2005

Dear Prime Minister,

Thank you for your letter regarding the desire of the Deputy Prime Minister's Office to release a number of papers currently on transfer to The National Archives.

I note that the Cabinet Office has no objection and pending the replies from others with a direct interest I agree to the release.

With many thanks.

Yours ever
Margaret

The Rt Hon Tony Blair MP
The Prime Minister

RESTRICTED



28 January 2005

The Rt. Hon. Lord Falconer of Thoroton QC

Dear Lord Falconer,

FOI AND MINISTERIAL DIARIES

At the meeting of Lords Ministers on 27 January, a number of colleagues expressed their anxiety about the way in which it is proposed to release information on ministerial diaries.

There was unanimous concern at the possible consequences of releasing this information in the manner proposed. In particular, fears were raised that it might compromise ministerial security, particularly where a pattern of ministerial meetings emerges as a result of publishing several weeks' information together. It could also compromise effective business, by revealing meetings with the private sector or NGOs. Further, it might lead to unfair early disclosure of policy options under consideration; or give a misleading impression of Ministerial contacts with third parties, which could create perceptions of unfair bias in relation to meetings with certain organisations.

I realise that a Cabinet Sub-Committee is meeting on 31 January, followed by a further Cabinet meeting (and possibly decision) on this issue. However, it would be enormously helpful, and would go some way to assuaging colleagues' concerns, if you would talk to the Lords' front bench about the rationale behind your approach and the safeguards you are proposing.

I am copying this note to Jack Straw, Valerie Amos, Bruce Grocott, Jonathan Powell, Ed Owen and Michael Williams.

Liz Symons

*(dictated by the Minister and signed by her Private Secretary,
in the Minister's absence)*

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15/1

From: Ivan Rogers
Date: 28 January 2005

ANDREW TURNBULL

FOI MACHINERY

1. We had a useful discussion yesterday about how FOI is going. As we all recognised, FOI is a significant administrative, communications, and policy challenge for the Government – and while the challenge is particularly acute at present, in some ways the challenge will grow over time. My view is that we are not currently arranging our resources optimally to meet this challenge.
2. As you know, one of the structural challenges that the Government faces is that:
 - The FOI Act encourages a decentralised regime for managing requests, as decisions about releasing/withholding information are a matter for the Department which holds the information.
 - The Information Commissioner leads a centralised body which is likely to take a coherent approach to managing its relationship with Government. Over time the Commissioner will seek to expand the scope of information subject to disclosure.
3. The clearing house is a recognition of this challenge. The Cabinet has several times stressed the importance of having a strong clearing house. However, the clearing house is split into two. And there is a further division at the centre, between No10 and the Cabinet Office.
4. As you know, for FOI purposes, the Cabinet Office is one public authority, and – depending upon the nature of a particular FOI request – includes information held by No10. Most Cabinet Office cases have a No10 angle, and many No10 cases have a Cabinet Office angle. No10 also plays a role across Government, with many departments seeking No10 approval for their FOI decisions, and coordinating media handling of FOI responses. So in reality we have three centres.

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5. The three centres spend considerable resources coordinating with each other. For example, the DCA clearing house is the "entry and exit point" for advice. So departments refer cases to DCA, which then as necessary forwards cases to Cabinet Office. Theoretically Cabinet Office should then provide advice to DCA, which will be sent on to departments. There is no IT mechanism for managing data flows between the two parts of the clearing house and No10. Departments are confused about where they should come for what advice. There is a risk that issues will fall through the cracks.
6. An additional issue is the performance of the HORU part of the clearing house. I know that the Cabinet Office as a whole is putting a lot of work into FOI, and I am not questioning the performance of other parts of the Cabinet Office (Propriety and Ethics, EDS). But the feedback I am getting is that HORU is just not adding value with its current team. I know that you and Colin have been putting more resources into the team. But I think that the leadership and composition of the team needs to be seriously and urgently examined.
7. I think we should consider merging the No10 and Cabinet Office units in the short run, to deal with the weakness of the Cabinet Office unit, and to reduce the costs of the divisions between the centres. This would involve a No10 led team, with a substantial presence in the Cabinet Office, coordinating requests for the Cabinet Office and No10 in one team, and performing HORU's clearing house role across Government. The position would be analogous to the Nigel Sheinwald/OD Sec or Kim Darroch/European Secretariat arrangements.
8. It would be helpful if we could have a word about this issue next week.



IVAN ROGERS

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PRIME MINISTER

DTCCGN
✓RB

**APPROACH TO HANDLING REQUESTS UNDER THE FREEDOM OF INFORMATION
ACT FOR INFORMATION RELATING TO MINISTERIAL DIARIES**

I have seen the Lord Chancellor's note to you of 17 January about the proactive release of Ministerial diary information.

I support his proposal that Ministerial offices proactively release, on a three-monthly retrospective basis, information relating to public engagements and meetings which are already in the public domain. I agree this would serve the dual purpose of increasing transparency of Ministerial meetings while helping justify a robust approach towards those meetings whose existence should remain private.

While it may not always be easy to ascertain whether certain meetings were a matter of public knowledge, my officials stand by to offer assistance in working up the detail on how we might put your proposal into practice.

I am copying this letter to Cabinet colleagues, MISC 28 and to Sir Andrew Turnbull.

P H
Department of Trade and Industry

25 January 2005

Department of Trade and Industry

Daniel - for info
file *hir*

Freedom of Information

Note of the officials' meeting on Monday 24 January 2005

Present:

Robin Fellgett (chair)	CO (EDS)	Andrew McDonald	DCA
Juliet Wheldon	Treasury Solicitor	Patrick Bourke	DCA
Tessa Stirling	CO	Gervase Hood	DCA
Phillip Morgan	DWP	David Wray	MOD
Paul Jackson	ONS	Lewis Daker	DEFRA
Pam Newman	NIO	Judith Caller	DEFRA
Russell Yates	HO (HMPS)	Linda Wishart	DH
Michael Herron	DfT	Richard Thompson	HO
David Crawley	Scotland Office	Heather Yasamee	FCO
Daniel Jenkins	LSLO	David Smith	ODPM
Chris Wright	ISS	Isabel Letwin	DCMS
Adrian Hallchurch	DCA	Niki Malt	DfES
Joseph Halligan	HMT	David Noble	DfES

Summary of key points

1. The group met to discuss the papers for the meeting of MISC28 (31 January 2005). Four draft papers had been circulated:
 - FOI Act Implementation: Month 1
 - FOI: Processes
 - Communications and gold standard for publications
 - FOI Act Implementation: an overview of progress made from October 2004
2. It was agreed that the two papers on processes and progress since October 2004 would be tabled for information. MISC28 would focus on the implementation of the Act in the first month and the communications strategy

FOI Act Implementation: Month 1 (Draft paper)

3. DCA explained that the draft paper provided a basis for further work to give the MISC28 a comprehensive overview of progress to date. The paper would be updated to give a flavour of progress that was being made and where problems were anticipated. The paper had been drafted from a DCA Clearing House perspective. Further input from colleagues would be crucial in strengthening the paper. DCA asked for comments and contributions to be sent through by close on 25 January for inclusion in the paper.
4. The following points were made in discussion:

- i. There were a number of Government organisations outside the list (such as the HSE) which had received a huge number of requests, including some controversial ones. Ministers should be made aware of the limits of the list in the paper.
 - ii. In a number of cases, departments had not made decisions on the tricky cases so reporting in real time before the end of January would be of limited value.
 - iii. There was value in MISC28 being reminded of the similar issues faced by all departments, and that a considerable burden was being put on staff to meet initial requests. However, agreed processes should not be changed at this stage.
 - iv. That the paper needed to draw out the experience on requests made by journalists or opposition politicians.
 - v. That in some cases, journalists had been sympathetic to requests to ask more focussed questions. This dialogue had been reasonable and of benefit to departments. The paper should recognise this positive sign.
 - vi. In order to produce meaningful statistics for use by ONS, more work would need to be done on data standards.
5. Summing up, Robin Fellgett asked DCA to amend the paper to reflect the points made, although the question of resources and managing the process was a management issue and not for Ministers. He asked departments to ensure DCA received contributions on Tuesday 25 January so that papers could be circulated on Wednesday 26 January. Andrew McDonald agreed to amend the paper, and explained that Baroness Ashton would update MISC28 orally with the latest position at the meeting.

Communications

6. DCA introduced the draft paper, including a summary of the specific issues which MISC28 would be asked to agree.
7. In discussion the following points were made:
- vii. Concern that a proactive communications strategy would be undermined by negative coverage of high profile cases.
 - viii. The resource implications of proactive release and meeting the gold standard would place a heavy burden on Departments. The paper needed to provide clearer advice on the costs of these proposals.

- ix. The commitment to release historical records would be expensive and not deliver as much as the paper suggested.
 - x. In respect of proactive release, the paper needed to make clearer that proactive release was required under the EIR regime.
 - xi. Arrangements for simultaneous release were also proving resource intensive and not practical.
 - xii. That the impacts on contractors of the requirements on private bodies needed to be carefully considered, including the need to complete RIAs. There were concerns about the disincentive that the new approach could create. More detail on this was needed.
8. Summing up, Robin Fellgett asked DCA to amend the paper to reflect the main points of the discussion. On proactive release he stated that the commitment to simultaneous release reflected a cabinet decision and that it needed to be delivered, and that practical points about how this was achieved should not be taken back to MISC28. However, the paper did need to reflect the discussion on the cost and resource implications of a programme of proactive release, the position in relation to EIR, the costs to departments of meeting the gold standard and the impact on contractors of the extension of the FOI Act to private bodies performing public functions. Further comments should be sent to Gervase Hood by 25 January.

Ministerial diaries

9. Robin Fellgett also updated the group on ongoing work about the FOI Act and ministerial diaries. He explained that a paper was expected to go to Cabinet on 27 January, with further discussions at MISC28 if necessary. This overlapped with work going on to clarify the position on cabinet committee papers and meetings. It was not yet clear what the content, if any, of a paper to MISC28 on 31 January would be.

**Economic and Domestic Secretariat
Cabinet Office
25 January 2005**



1. Fo
2. File

Margaret Thatcher

19th January 2005

Dear Prime Minister,

Thank you for your letter regarding the request from the US State Department to release the text of a telegram from me to President Reagan dated February 1986, concerning the sharing of sensitive technology.

I note that both the Foreign and Commonwealth Office and the Cabinet Office see no reason for permission to be withheld and I am therefore content for the release.

Yours ever

Margaret

—

The Rt Hon Tony Blair MP
The Prime Minister



dca

Department for
Constitutional Affairs
Justice, rights and democracy

**The Rt Hon Lord Falconer
of Thoroton**

Secretary of State and
Lord Chancellor
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RESTRICTED - POLICY

Prime Minister
10 Downing Street
London
SW1A 2AA

rec'd by email

17th January

2005

Jen Tong,

I am writing to seek your agreement to the proposed approach to handling requests under the Freedom of Information Act for information relating to Ministerial diaries.

As you are aware there is likely to be considerable pressure under FOI to release information about ministerial meetings and engagements, further to the information that is already made available about Ministers' public engagements through the Prime Minister's Official Spokesman briefing.

It will be important to adopt an approach that is proportionate and reasonable. In addition to routing all diary requests through the DCA Central Clearing House to ensure a consistent approach is adopted across Government departments, high level guidance has been prepared (attached at Annex A). As well as setting out the exemptions which may apply to various categories of request, it also recommends a minimum proactive approach. This proactive approach would require all Ministerial Private Offices proactively to release, on a three-monthly retrospective basis, information relating to Ministers' public engagements and meetings with outside interest groups which are already in the public domain. For example, in April diary information for January would be published, then in May, diary information for February and so on. In addition, I understand Sir Andrew Turnbull will shortly be seeking your views on whether it would be appropriate to take a similar approach on the related issue of meetings of Cabinet Committees.

Whilst the proactive approach could strengthen the Government's hand in arguing for non-disclosure of information about meetings which it is necessary to withhold, for example, where release would prejudice the formulation of policy or curtail free and frank discussion, this will remain a sensitive area and we must do more to demonstrate that we are being more open.



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Given the number of requests already received in relation to diaries, and the fact it will remain a high profile issue, it will be essential that in every case the Government set out its arguments clearly and robustly. As such, each request must be considered on its own merits – whilst the guidance will set out the key issues, it is essential a case by case approach is taken. It is likely that in many cases there will be a very strong public interest in favour of disclosure – such as meetings with third parties in the normal course of business. However there are areas, where the public interest is unlikely to favour disclosure, for example details of internal meetings between Ministers, and between Ministers and civil servants, where the public interest would be best served by protecting full and frank discussions and the policy formation process. The key criteria in each case will be where the balance of the public interest test falls.

By taking a case by case approach, and robustly applying the public interest test, the risk of successful challenge can be limited. To support this, if the proposed approach is agreed, my officials will work with their Cabinet Office colleagues to develop this into fuller guidance, along the lines of the working assumptions already produced in relation to other types of information, such as policy advice.

This letter is copied to members of the Cabinet, MISC 28 and Sir Andrew Turnbull.

Yours,

Charlie

LORD FALCONER OF THOROTON

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ANNEX A

ADVICE ON HANDLING FREEDOM OF INFORMATION REQUESTS FOR MINISTERIAL DIARY INFORMATION

CATEGORY OF MEETING	GUIDANCE	REASONS
Public engagements (already held)	Regular release	<p>The most important ministerial public engagements are announced by the PMOS at lobby briefing. This practice should continue. The lobby note is published.</p> <p>For information relating to public engagements not referred to by PMOS but are events in the public domain then departments will wish to release the information.</p> <p>Departments should issue a 3 monthly note setting out public engagements and meetings which are in public domain. All requests for diary information could then be referred to published lists.</p>
Future public engagements	Case by case consideration	<p>If a future ministerial engagement has been advertised e.g. speech to a conference then the presumption should be that the department would confirm attendance subject to usual caveats of diary commitments etc.</p> <p>It is also possible that information relating to future engagements may need to be withheld on grounds of security (exemption 24(1)) and/or disclosure which would be prejudicial to effective conduct of public affairs (exemption 36). The public interest test will apply.</p> <p>If we published a list of retrospective events on a monthly basis we would argue for non disclosure of future events on the basis that the material is intended for future publication - exemption 22(a). The public interest test will apply.</p>
Internal meetings (Ministers and civil servants)	Case by case consideration but expect to withhold.	<p>We will argue for non-disclosure on policy grounds. Information relating to internal discussions between Ministers, and between Ministers and civil servants must be protected if we are to ensure full and frank discussions.- exemption 35(1)(a) policy formulation or prejudicial to effective conduct of public affairs – exemption</p>

ANNEX A

CATEGORY OF MEETING	GUIDANCE	REASONS
	However, it may become harder to sustain this policy for older material.	<p>36(2)(b)(i). The public interest test will apply.</p> <p>Also important that we seek to protect identities of more junior civil servants who may feel vulnerable to media intrusion which could result in civil servants not actively seeking meetings with Ministers. This would be damaging to ability of Government to develop its policies.</p> <p>The older the material or the more routine the request then the harder it will be to argue for non-disclosure.</p>
Meetings with third parties	Case by case consideration	<p>If meetings details are in public domain then release. The fact that a number of outsiders attended a meeting is likely to result in the meeting details becoming public. Confirming such meetings should be on retrospective basis and should be set in context of bigger picture if possible to avoid impression of undue influence.</p> <p>Disclosing content of discussions and names of attendees should be decided on a case by case basis. A consideration will be whether release of the information could impact on the development of policy. If so, the information should be withheld - likely exemptions exemption 35(1)(a) policy formulation or prejudicial to effective conduct of public affairs – exemption 36(2)(b)(i). The public interest test will apply.</p>
Details of Holiday arrangements	Case by case but presumption will be to withhold	Personal information – exemption 40.

CABINET OFFICE
JANUARY 2005

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Baroness Ashton of Upholland
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defraDepartment for Environment
Food and Rural AffairsDT
cc WEG
MM
VB

17 January 2005

From the Secretary of State
The Rt Hon Margaret Beckett MP

Dear Cathy,

FREEDOM OF INFORMATION: PUBLICATION OF FOI RELEASES

Thank you for your letter of 20 December.

I very much agree that where a Department releases information in response to a request which is likely to be of general interest, it should also be published through the Department's website. Defra's internal procedures for handling information requests include a section asking staff to consider wider publication of any newly released information. New disclosures must also be cleared through our central Access to Information Unit, which will pick up on any new material that might be a candidate for publication.

The Defra website already includes an Access to Information section which can be accessed directly from any page on the site. This will be expanded shortly to include an area for publication of information recently released under FOI or the Environmental Information Regulations. Defra is also currently deploying a Content Management System which will enable staff to create and update website content quickly and easily.

Your letter also mentioned the need to develop a standard line for use with the media when they make FOI requests. I understand that our officials have discussed this, and that DCA plans to issue a standard line for Departments to draw on.

I am copying this letter to MISC28 colleagues, Cabinet colleagues, the Scottish First Minister and the Cabinet Secretary.

Regards

Margaret

MARGARET BECKETT



Secretary of the Cabinet and Head of the Home Civil Service

PRIME MINISTER

c.c. SoS for Constitutional
Affairs
David Miliband
Colin Balmer
Paul Britton
Margaret Aldred
Bruce Mann
Robin Fellgett
Katrina Williams
Ivan Rogers (No.10)
Eleanor Kinchen

FREEDOM OF INFORMATION AND CABINET AND COMMITTEES

I have been considering what we should, and what we should not, publish about Cabinet and its Committees under the new regime. I suggest we publish periodically a retrospective list of some of the subjects that have been dealt with, but only those where the policy has been announced. This would enable us to ward off requests to provide a running commentary. Are you content with this approach, please?

2. At present the only information published about Cabinet Committees is their terms of reference, chair and composition. Even this does not include ad hoc committees including your own stocktakes, although in practice you and others have referred to them at for example your monthly press conference. A bit more is said about Cabinet itself. It is well known it meets every Thursday and from time-to-time your official spokesman briefs the lobby on some of the discussions in Cabinet.

3. I do not think this degree of secrecy will be sustainable under FOI. I would prefer to move to a more defensible position, and take the credit for doing so rather than being forced to concede step-by-step.

4. Our proposals draw a firm line. They amount to acknowledging a bit more about the process that led to Government policy announcements. This is likely to be of considerable interest to constitutional experts and others. We can take credit for doing so. But hopefully it will be of comparatively little interest to the press as we will continue to say nothing about ongoing policy discussions in

Government or reveal anything about the nature of debate within Government leading up to an announcement.

5. Our suggestion is also to publish information periodically and retrospectively. By doing so we will be in a stronger position to resist a running stream of other freedom of information requests, because we can refer to the exemption in the Act for information due to be published within a reasonable time.

6. Attached is a mock-up of the sort of information we might release. This is incomplete because we have only looked at a three month period for Cabinet and Committee meetings and a two week period for business dealt with in correspondence to test out our ideas. But I hope it gives you a flavour of what the impact would be.

7. In more detail I would favour:

- a. publishing information every 4 months, say in late January, May and September about the preceding 12 months. Over time this is likely to capture everything that has subsequently been announced;
- b. acknowledging the dates of meetings of Cabinet Committees and similar decision-making fora (including your important stocktakes), while of course saying nothing about informal discussion;
- c. listing those topics which had been discussed or settled in correspondence **where the policy was subsequently (or already had been) announced**, while saying nothing about ongoing policy developments and nothing other than the topic about the nature of discussion that led to an announcement.

8. The way we release this information needs to be consistent with the outcome on Ministers diaries as attendance at Cabinet / Cabinet Committees could then form part of Minister's published diary.

9. If you agree, we could produce consolidated information for 2004 and publish it shortly, although probably not now until February rather than later this month given the time needed to pull it together. Alternatively, you may prefer to announce and take credit for the approach and promise a first statement in late May. This would enable us to set up systems for capturing the information better, but runs the risk of merely promising 'jam tomorrow'. Which would you prefer?

AT

ANDREW TURNBULL

17 January 2005

This table illustrates a proposed option for the limited release of information on Cabinet and its Committees. All information in the table relates to the formulation or monitoring of policy which has already been announced. The information used is from the trial period between September and November 2004; during this period, there were 55 Cabinet Committee meetings (inc. Ad Hocs, JMCs etc.) and 9 Cabinet meetings. Owing to the volume of clearance letters received, these were only recorded for two weeks in November. While these letters have been included in the table below, it should be noted that the real volume of correspondence over this period was likely to be around 130 clearance letters and therefore it could be expected that the final column would usually be much fuller; the exception would be Cabinet, which very rarely clears issues in correspondence.

Committee:	Met on:	Subjects Discussed Included:	Subjects Considered in Correspondence Included:
Cabinet	09/09/04 16/09/04 14/10/04 21/10/04 28/10/04 04/11/04 11/11/04 18/11/04 25/11/04	Management of Parliamentary business; the Legislative Programme; Hunting Bill; Gambling Bill; Parliamentary pay and allowances; Security in the Palace of Westminster; implementation of the Efficiency Review; DTI 5 year programme; Defra 5 year programme; DCA 5 year programme; Police White Paper; English Regional Assemblies; Council Tax; 2012 Olympic bid; European	

		Commission and Parliament; United Nations; US Presidential election; Iraq; Iran; Sudan; Relations with Russia; the Palestinian Authority; Gibraltar; Cote d'Ivoire	
DA	21/10/2004 09/11/2004 17/11/2004	Over Thirty Month Rule	Provisions for scrutiny mechanisms in the HMRC Bill Amendments to the Serious and Organised Crime and Police Bill Police Reform White Paper Licensing Act 2003: Fees Health White Paper
DA(ABS)	08/09/2004	Monitoring of progress on the Public Service Agreement target to improve skill levels	
DA(D)	15/09/2004		
DOP	25/11/2004		
DOP(OA)	28/10/2004		

ENV	16/09/2004	Emissions trading	Energy Efficiency Commitment post 2005
ENV(G)	17/11/2004	Issues related to the formulation of policy on carbon offsetting for the Defra Five Year Strategy	
EP			Memorandum to House of Lords European Union Committee
EUS	14/10/2004	Details of the EU Constitution Bill	
GL(P)	22/11/2004	Issues related to the Comprehensive Performance Assessment 2005-06 for an Audit Commission consultation	
ICC	28/10/2004		
JMC(E)	14/09/2004 20/10/2004 29/11/2004		
LP	13/10/2004 19/10/2004 02/11/2004 04/11/2004 16/11/2004	The decision to carry over the Gambling Bill and the School Transport Bill	Consultation on the draft Civil Service Bill Amendments to the

	18/11/2004	<p>into the fourth session.</p> <p>Fourth Session Programme and Queen's Speech</p> <p>Child Benefits Bill; New Revenue Department Bill; National Lottery Bill; Public Service Ombudsman (Wales) Bill; Consumer Credit Bill; Criminal Defence Service Bill; Inquiries Bill Transport (Wales) Bill; Clean Neighbourhoods Bill; Immunities and Privileges Bill; Identity Cards Bill; Serious Organised Crime and Police Bill; Education; Rail Bill; Road Safety Bill</p>	Pensions Bill
PRA	21/10/2004 27/10/2004	<p>Target of \$1 billion savings from regulatory burdens on business</p> <p>Monitoring the implementation of the Unfair Commercial</p>	

		Practices Directive and the EC Services Directive	
PSR	28/10/2004	Issues related to the formulation of the consultation on Criminal Justice Service inspection	
PSX	26/10/2004 28/10/2004 01/11/2004 03/11/2004 11/11/2004 11/11/2004 17/11/2004 23/11/2004	Council Tax 2005-06 Monitoring the implementation of the Efficiency Review Monitoring the implementation of the Lyons Review Monitoring the implementation of the Future of Rail White Paper Monitoring of Public Service Agreement Targets	
PSX(E)	12/10/2004		
PSX(I)	19/10/2004		
Ministerial Group on Iraq Rehabilitation	18/11/2004		

MISC5	01/11/2004		
MISC9(D)	18/10/2004 17/11/2004	Issues related to the formulation of the Every Child Matters report Child Witnesses and the formulation of policy on information sharing for the Change for Children report Monitoring of the Bichard Implementation Project	
MISC13	13/10/2004		
MISC20	15/11/2004		
MISC24	25/11/2004	Issues related to the formulation of policy for the Delivering Democracy report and the Government response to the Voting for Change report	
MISC25	14/09/2004 18/10/2004	Issues related to the Olympic Bid folder	Olympic Bid Folder

MISC26	22/11/2004		
MISC27	08/09/2004	Issues related to the formulation of policy for the Health White Paper	
MISC28	15/09/2004 19/10/2004	The policy on fees for FOI requests and internal Government processes to manage FOI requests	
Stocktake on Iraq	14/10/2004 28/10/2004 11/11/2004		
Asylum and Immigration Stocktake	19/10/2004 25/11/2004		
Drugs and Crime Stocktake	27/10/2004		



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Rt Hon Ruth Kelly MP

DT
CCAA
GH.

Baroness Ashton of Upholland
Parliamentary Under Secretary of State
Department for Constitutional Affairs
Selborne House
54 Victoria Street
London
SW1E 6QW

14 January 2005

Dear Cathy

Freedom of Information – Publication of FOI Releases

Thank you for your letter of 20 December requesting commitment from government departments to the wider publication of individual Freedom Of Information(FOI) responses, where they are clearly of more general public interest. I am happy to endorse your messages and my department will be reviewing its plans to see what else can practically be achieved to widen access to the information we will be disclosing under FOI.

When releasing information to a requestor consideration of simultaneous publishing (where the information is of wider public interest) will be part of our checklist, and our monitoring arrangements will help to identify potential candidates for wider publication.

My officials do have concerns over the development of a standard line for use with the media where they make FOI requests. If each Department develops its own will this not lead to inconsistency? I think we are looking to the DCA in its central coordinating role to provide this sort of 'standard reply', as they have done in providing templates to be used for other types of responses. We are not sure why the media are to be treated differently. Perhaps you could clarify the intentions behind this request for my officials.

I am copying this to MISC28 colleagues, Cabinet colleagues, the Scottish First Minister and to the Cabinet Secretary.

Yours ever

Ruth

Ruth Kelly

department for

education and skills



SECRET

PR
file FOI PT 9

From: Daniel Thornton

Date: 13 January 2005

S 7 /05

DAVID OMAND

LIAM CLARKE FOI REQUEST

I attach an FOI request by Liam Clarke relating to information held by No10. I also attach copies of the papers held by No10 that relate to this request.

Given the sensitivity of the material, I would be grateful if you could draft a response by 24 January which I will clear in No10.



DANIEL THORNTON

SECRET

02072733965



Home Office

Fiona Mactaggart MP
PARLIAMENTARY UNDER SECRETARY OF STATE
50 Queen Anne's Gate, London SW1H 9AT

DT

Baroness Ashton of Upholland
Selbourne House
54-60 Victoria Street
London
SW1E 6QW

13 JAN 2005

Dear Cathy

Freedom of Information – Working Assumptions – Third Tranche

Thank you for your letter of 20 December with the third tranche of working assumptions.

You will know from MISC 28 that I support the use of working assumptions to give substance to the consideration of disclosure/exemption issues for standard sets of information. It is important for officials to have as much guidance as possible to aid the operation of this difficult legislation. In saying this I recognise the risks you outline that the use of assumptions might be seen as counter to openness and to proper case by case assessment.

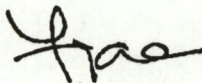
Even so there is a need for us all to understand the standards for disclosure/withholding and operate them consistently. In doing so we have the opportunity to be proactively open where we can and still have a protected space in which policy work can be carried out.

Assumptions identify areas where exemptions will apply as well as where disclosure will be expected – Gateway reviews and Ministerial expenses. Where the standard is for disclosure there may be benefit in these being included in Publication Schemes and I am asking officials here to explore that point with yours. My only other comment is upon the use of the Audit exemption, cited in the assumption on PMDU papers, which would appear to apply to the PMDU but possibly not to the department reviewed. You have sought further legal advice on this point and I will be interested to see how the assumption is then developed.

02072733965

I am copying this letter to other members of MISC 28, the Prime Minister and Sir Andrew Turnbull.

Yours sincerely



FIONA MACTAGGART

RESTRICTED - POLICY

MATRIX

1. Matrix
2. File



SECRETARY OF STATE

MINISTRY OF DEFENCE
FLOOR 5 ZONE D MAIN BUILDING
WHITEHALL LONDON SW1A 2HB

Telephone 020 721 89000

Fax: 020 721 87140

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MST 2/9J

12 January 2005

Dear Margaret,

DT
cc: AN
Dev/FOI

FOI REQUEST FOR RELEASE OF NIREX SITE INFORMATION

On 4 January 2005, a journalist from the North of Scotland Newspapers applied to the Ministry of Defence, under the Freedom of Information Act, for the release of a list of sites that were being considered for a radioactive waste repository by NIREX in the 1980s and 1990s. As there appear to be no national security issues for Defence associated with the release of this information there seems to be no Defence reasons to withhold it.

Under the Freedom of Information Act, it is the MOD as recipient of the request that must respond. However, since the policy lead on the subject is in your Department, I would not wish to act without consulting you. I understand your wish to discuss this with colleagues, and I look forward to an early meeting. A reply should be made by 31 January, which is the end of the 20 working days reply period given in the Act. I would be reluctant for us not to meet the Freedom of Information Act timescales, particularly so early in the life of this legislation.

The Rt Hon Margaret Beckett MP
Secretary of State for Environment,
Food and Rural Affairs

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I am copying this letter to Charlie Falconer, Patricia Hewitt, Alistair Darling,
Elliot Morley, Ross Finnie and to Geoffrey Norris at No 10.

Yours sincerely

Geoff

GEOFFREY HOON

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