

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 17 October 2011

Public Authority: Foreign and Commonwealth Office
Address: King Charles Street
London
SW1A 2AH

Summary

The complainant requested minutes and notes taken by UK delegates to a working group on the reform of an EU regulation relating to access to documents. The public authority refused to disclose the majority of the information requested and cited the exemptions provided by the following sections of the Act: 27(1)(a) (prejudice to relations between the UK and any other State), 27(1)(b) (prejudice to relations between the UK and any international organisation or international court) and 35(1)(a) (information relating to the formulation or development of government policy). The Commissioner finds that the exemptions were cited correctly in relation to some of the information in question, but that other information was either not exempt or exempt but should nevertheless be disclosed in the public interest. The public authority breached sections 1(1)(b) and 10(1) in failing to disclose this information within 20 working days of receipt of the request. The public authority is now required to disclose that information.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. The complainant made the following information request on 15 June 2010:

“(a) Copies of the minutes and notes taken by UK delegates of the Working Party on Information relating to the reform of EU Regulation 1049/2001 during 2008, 2009 and the first half of 2010.

“(b) A statement of the general position of the UK on the reform of EU Regulation 1049/2001, whether such change is necessary, and if so, which amendments should be made to the existing text.”

3. The response to this request was dated 14 July 2010. Request (a) was refused with the exemptions provided by sections 35 and 27 cited. No subsections from these exemptions were cited and no explanation was given as to why these exemptions were believed to be engaged. The balance of the public interest was covered briefly and only in a general fashion, rather than separately and in detail in relation to each of the exemptions cited. The information specified in request (b) was disclosed.
4. The complainant responded to this on 20 July 2010 and requested an internal review of the refusal of request (a). The public authority responded with the outcome of the internal review on 20 September 2010. This stated that the information within the scope of request (a) consisted of 31 documents, four of which were disclosed at that stage. In relation to the remaining 27 documents, the refusal was upheld, with subsections 27(1)(a) and (b) (prejudice to international relations) and 35(1)(a) (information relating to the formulation or development of government policy) now specified. Some further explanation in relation to the citing of these exemptions was given.

The Investigation

Scope of the case

5. The complainant contacted the Commissioner's office in connection with this case on 25 October 2010. In connection with the citing of sections 27(1)(a) and (b), the complainant argued that disclosure of information recording the negotiating positions of the UK would not be likely to prejudice international relations and so this information could be disclosed in redacted form, with redaction of any information relating to those EU member states whose governments had stated they did not wish their negotiating positions to be revealed. The complainant also believed that this would be in line with claims made by the government elsewhere that it *“consistently supported greater transparency in the European Union”*.

6. In relation to the citing of section 35(1)(a), the complainant argued that disclosure would not result in the harm predicted by the public authority. In response to an argument made by the public authority that disclosure would harm the internal deliberative process, the complainant suggested that at least some of the information would not relate to the process of internal deliberations and so this argument would not be relevant to this information. The complainant also believed that disclosure during the relevant policy making process would be in the public interest in order to enable public participation in that process, and that the inhibition to the policy making process predicted by the public authority was not a likely outcome of disclosure.

Chronology

7. The Commissioner contacted the public authority in connection with this case on 12 January 2011. The scope of the case was set out to the public authority and it was asked to respond with further explanation in relation to the exemptions cited.
8. The public authority responded by letter dated 11 February 2011 and provided some limited further explanation for the exemptions cited. Copies of the withheld information followed later under cover of a letter dated 16 February 2011.

Background

9. The request refers to "the reform of EU Regulation 1049/2001". This EU Regulation relates to "public access to European Parliament, Council and Commission documents". Further background to the reform of this Regulation is available here¹.

Analysis

Exemptions

Section 27

10. The public authority has cited the exemptions provided by sections 27(1)(a), which provides an exemption for information the disclosure of

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<http://www.europarl.europa.eu/document/activities/cont/200805/20080522ATT29698/20080522ATT29698EN.pdf>

which would, or would be likely to, prejudice relations between the UK and any other state, and 27(1)(b), which provides the same for relations between the UK and any international organisation or international court. Consideration of these exemptions is a two-stage process. First, the exemptions must be engaged as a result of prejudice relevant to these exemptions being at least likely to occur. Secondly, these exemptions are qualified by the public interest, meaning that the information must be disclosed if the public interest in the maintenance of the exemptions does not outweigh the public interest in disclosure.

11. Turning first to whether the exemptions are engaged, the public authority did not specify whether its stance was that prejudice *would* occur, or that prejudice *would be likely* to occur. Where a public authority is not specific on this point, the Commissioner will consider whether prejudice would be likely to occur. The test applied here is that the likelihood of prejudice must be real and significant and more than hypothetical or remote. This is in line with the approach taken by the Information Tribunal in the case *John Connor Press Associates Limited v the Information Commissioner* (EA/2005/0005) in which it stated:

“Likely connotes a degree of probability that there is a very significant and weighty chance of prejudice to the identified public interests. The degree of risk must be such that there ‘may very well’ be prejudice to those interests, even if the risk falls short of being more probable than not.” (paragraph 15)

12. As to whether this test is met, the public authority has provided little reasoning for its citing of sections 27(1)(a) and (b). As noted above, the refusal notice gave no explanation as to why these exemptions were believed to be engaged. Limited explanation was provided in the internal review response and in the correspondence sent from the public authority to the Commissioner’s office.
13. From these two items of correspondence, the Commissioner has identified two arguments made by the public authority in connection with the citing of sections 27(1)(a) and (b). The first is that disclosure would be likely to prejudice relations between the UK and other EU member States, as the other States participated in the negotiations recorded within this information on the basis that these negotiations were not public. The second argument from the public authority is that disclosure would be likely to damage the national interests of the UK by revealing the details of the negotiating position of the UK.
14. The first step in considering these arguments is to address whether they are relevant to the prejudice described in the exemptions. The Commissioner accepts that the first argument, which concerns prejudice

to the relations between the UK and other member States of the EU, is clearly relevant to section 27(1)(a).

15. In the second argument, the public authority refers to the national interests of the UK being prejudiced through revealing details of the UK's negotiating position. This argument does not concern prejudice between the UK and any other state, or between the UK and any international organisation or international court, and so the Commissioner does not accept that this argument is relevant to sections 27(1)(a) or (b). As the second argument made by the public authority is not relevant to sections 27(1)(a) or (b), it is not covered further in this analysis.
16. The public authority has advanced no argument relevant to section 27(1)(b) in its correspondence with either the complainant or the Commissioner's office despite having consistently cited this exemption. In the absence of any argument on this exemption, the Commissioner has pro-actively considered, on the basis of the content of the information in question, whether disclosure would be likely to prejudice relations between the UK and the European Union (EU), or any European institution. As no argument has been advanced by the public authority concerning this exemption, the Commissioner has taken the approach that he will only accept that this exemption is engaged where it is quite clear from the content of the information in connection with which this exemption has been specified that prejudice relevant to section 27(1)(b) would be likely to result.
17. In order to be clear which information each part of this analysis relates to, the Commissioner notes at this point that, when supplying copies of the withheld information to his office, the public authority identified which exemptions were believed to apply in relation to each document. Therefore, where the public authority has identified that a document was believed to engage only section 27(1)(a), for example, that is the only exemption he has considered in relation to that document; he has not also considered sections 27(1)(b) and 35(1)(a). Also where the Commissioner has concluded that information can be withheld under one of the exemptions cited, this will only apply where the exemption in question has been specified in relation to the relevant document when it was provided to his office. So, for example, redactions under section 27(1)(a) can only be made from documents that were identified as being subject to section 27(1)(a) when they were supplied to the Commissioner's office under cover of the letter dated 16 February 2011. In practice, this has meant that section 27(1)(a) has been considered in relation to a majority of the documents in question, and sections 27(1)(b) and 35(1)(a) in relation to a minority of these documents.

18. Moving to whether the likelihood of prejudice to the relations between the UK and other member states of the EU meets the test of real and significant, the Commissioner notes first the statement from the public authority that the negotiations recorded in the information in question were *'not public'*. The Commissioner assumes that the public authority is suggesting that this is relevant on the basis that there was an expectation on the part of other States that their contributions would not be disclosed and that a failure to meet that expectation would be likely to lead to prejudice to the relationship between those States and the UK.
19. Secondly, the Commissioner notes the content of the documents in relation to which section 27(1)(a) was cited. These include many instances where negotiating positions are attributed to specific member States, or a number of identified States putting forward the same view.
20. The Commissioner accepts that at least some of the States identified are likely to expect that their negotiating positions will remain confidential and particularly would not be disclosed by another member State. As to whether such disclosure would be likely to harm the relations between the UK and those other States, the Information Tribunal stated in the case *Campaign Against the Arms Trade v The Information Commissioner and Ministry of Defence* (EA/2006/0040) in relation to this exemption:

"prejudice can be real and of substance if it makes relations more difficult or calls for particular diplomatic response to contain or limit damage which would not otherwise have been necessary".
(paragraph 81)
21. Following this approach here, the Commissioner considers that it would be likely that prejudice with the consequences described by the Tribunal would be likely to occur were information revealing the positions taken by identified States disclosed. Disclosure would be likely to give rise to the need for diplomatic activity to contain or limit damage to the UK's relationship with those States that expected and would have preferred this information to remain private.
22. In addition, the Commissioner considers that further damage to the UK's relationship with other States might be caused as a result of a unilateral disclosure by the UK of other countries' negotiating stances, even if they were not a party to those negotiations or if, despite being a party to those negotiations, they were not of a view that the information about their stance in these particular negotiations should be kept secret. This is because a unilateral disclosure might well give rise to a loss of confidence in the UK's ability to maintain the confidentiality of international negotiations in other situations where such confidentiality would be important to those other States.

23. The Commissioner has therefore concluded that section 27(1)(a) is engaged in relation to the information to which that exemption has been applied.
24. Turning to section 27(1)(b), as noted above, in the absence of any arguments from the public authority about this exemption, the Commissioner has considered whether any of the content of the information in question is suggestive that prejudice to relations between the UK and the EU, or any other European institution, would be likely to result through disclosure.
25. The Commissioner's view here is similar to that set out above in relation to section 27(1)(a); that he would accept that prejudice would be likely through the disclosure of information that sets out specifically the position of any European institution. In addition, the Commissioner considers that prejudice to the UK's relations with EU institutions would be prejudiced by a unilateral disclosure of any party's negotiating position (other than that of the UK itself) as this would undermine confidence in the UK's ability to maintain the expected confidentiality of international negotiations generally.
26. The Commissioner has therefore concluded that section 27(1)(b) is engaged in relation to the information to which that exemption has been applied.

The public interest

27. In relation to the information that the Commissioner has accepted is exempt by virtue of sections 27(1)(a) and (b), it is necessary to go on to consider the balance of the public interest. In forming a conclusion on the balance of the public interest here, the Commissioner has taken into account the public interest in avoiding prejudice relevant to the exemptions – that is, the public interest in avoiding prejudice to the international relations of the UK – and what evidence there is of a public interest in the specific information in question. The Commissioner has also taken into account arguments advanced by the public authority and by the complainant. This is in addition to the general public interest in the transparency and openness of decision-making and other activities of public authorities.
28. Covering first those factors that favour maintenance of the exemptions, such argument as was advanced by the public authority concerned the public interest in avoiding prejudice inherent to the exemptions. The Commissioner has accepted above that prejudice relevant to sections 27(1)(a) and (b) would be likely to occur as a result of disclosure. He also recognises that there is public interest in avoiding the likelihood of

prejudice to the international relations of the UK and considers this a valid factor in favour of maintenance of the exemption of some weight.

29. Turning to those factors that favour disclosure of the information, the complainant advanced detailed arguments as to why the information should be disclosed. The complainant suggested that information relating to States that did not wish their negotiating position to be disclosed could be redacted and that disclosure of the UK negotiating position would not be likely to produce prejudice relevant to the exemptions.
30. Both the complainant and the public authority have referred to the fact that the negotiation process recorded within the information in question was ongoing at the time of the request, but have used this point in support of opposing arguments. The public authority believed that the fact of the negotiations being ongoing weighed in favour of non-disclosure as it believed that disclosure could be disruptive to this process. The complainant believed that disclosure whilst the negotiations were ongoing was of particular public interest since it would enable public debate about and participation in an ongoing process, which might allow this process to be influenced.
31. The Commissioner accepts that it is valid to refer to the ongoing nature of the negotiations as a factor both in favour of disclosure and against disclosure, but on balance he considers it to be a stronger argument for disclosure. The Commissioner considers the argument that disclosure would support participation in the ongoing debate to be a factor in favour of disclosure of some weight.
32. The Commissioner has also considered what the specific content and subject matter of the information suggests about the balance of the public interest. Brief research carried out on the Commissioner's behalf has not revealed any widespread or high profile debate about the issues discussed in this information, which concerns freedom of information and data protection within the institutions of the EU, and so the Commissioner does not regard the public interest in disclosure to be heightened as a result of the existence of any such debate.
33. The Commissioner does, however, believe that there is a lack of public knowledge and understanding about policy making within the EU. The Commissioner is also of the view that this lack of knowledge and understanding is contrary to the public interest and that greater transparency would help to address this issue, for the benefit of EU citizens in particular. The Commissioner considers this to be a public interest factor in favour of disclosure of some weight.

34. In analysing the extent of the prejudice to international relations likely to arise from disclosing the withheld information and the public interest in disclosure by reference to the factors highlighted above, the Commissioner considers that a clear distinction can be drawn between the various views expressed by the parties to the negotiations and the identification of the individual states with the views they were advancing.
35. He has concluded that the public interest in maintaining the exemption outweighs that in disclosure of the information which identifies the States with the various views recorded in the minutes and notes of the relevant discussions. However, in relation to the substantial content of the recorded information, he considers that the public interest in disclosure clearly outweighs the very limited prejudice which would be caused by disclosure.
36. The information should therefore be disclosed with the country identifiers (mostly abbreviated forms of the names of each country) redacted.

Section 35

37. The public authority has cited the exemption provided by section 35(1)(a). This provides that information that relates to the formulation or development of government policy is exempt. This is a class-based exemption, which means that if the information conforms to the class described in section 35(1)(a) it is exempt. Consideration of this exemption is a two-stage process; first, the exemption must be engaged as a result of the information falling within the class described in section 35(1)(a). Secondly, this exemption is qualified by the public interest, which means that the information must be disclosed unless the public interest in the maintenance of the exemption outweighs the public interest in disclosure.
38. The copies of the information supplied to the Commissioner by the public authority specified that section 35(1)(a) is engaged in relation to five of the documents. For all but one of these documents, section 27(1) has also been cited. This exemption has been considered only in relation to those documents and the analysis and conclusion here relate only to those five documents.
39. Turning to whether this exemption is engaged, the only explanation provided by the public authority as to why this exemption was believed to be engaged was given in the internal review response, which stated the following:

"The documents...contain comment and advice to officials and ministers on UK negotiating tactics and policy development."

40. In reaching an opinion on whether this exemption is engaged, the Commissioner has taken into account the content of the documents in relation to which section 35(1)(a) was cited and considered whether this does accord with the above explanation from the public authority and with the wording of this exemption.
41. The Commissioner would note at this point that his approach to the term '*relates to*' as it is used in this exemption is that this can safely be interpreted broadly. This is in line with the approach taken by the Information Tribunal in the case *DfES v the Information Commissioner & the Evening Standard* (EA/2006/0006):

"If the meeting or discussion of a particular topic within it, was, as a whole, concerned with s35(1)(a) activities, then everything that was said and done is covered. Minute dissection of each sentence for signs of deviation from its main purpose is not required nor desirable." (paragraph 58)

42. The majority of the documents in relation to which this exemption has been cited consists of emails between UK officials based at the European Commission and their colleagues based in London. The Commissioner accepts that section 35(1)(a) is engaged in relation to these emails. These comment on aspects of the negotiations and the UK position in this negotiation. The Commissioner accepts that this relates to the policy making process of the government concerning the negotiation.
43. However, the Commissioner does not accept that this exemption applies in relation to the attachments to one of the emails, which is dated 28 November 2008 and is between an official within the UK Permanent Representation to the EU and, amongst others, an official within the Ministry of Justice. The attachments to this are documents recording the negotiation. These documents did not originate from the UK, instead they appear to have been created by the EU, and do not include comment or advice directed to UK officials. The Commissioner does not, therefore, accept that these documents conform to the reasoning given by the public authority for the citing of this exemption and so his conclusion is that section 35(1)(a) is not engaged in relation to these documents.

The public interest

44. In relation to the information which has been found to be exempt under section 35(1)(a), it is necessary to go on to consider the balance of the public interest. In reaching a conclusion on the balance of the public interest here, the Commissioner has taken into account those factors that relate to the specific information in question, including what harm may result through disclosure of this information, and whether

disclosure of information relating to the formulation and development of policy in relation to the negotiation recorded within this information would serve the public interest. This is in addition to the general public interest in transparency and openness in relation to the government policy formulation and development process.

45. That the information is within the class specified in the exemption is not, however, of relevance to the balance of the public interest. This is in line with the approach taken by the Information Tribunal in *DfES v the Commissioner & the Evening Standard* (EA/2006/0006), where it stated in connection with section 35(1)(a):

“The weighing [of the public interest] exercise begins with both pans empty and therefore level.” (paragraph 65)

46. Covering first those factors that favour maintenance of the exemption, the public authority has argued that disclosure would result in harm to the policy making process in that the participants in this process would be inhibited if they were aware that the record of their contributions may later be subject to disclosure via the Act. In *DfES v the Commissioner and the Evening Standard* (EA/2006/0006) the Information Tribunal provided a number of guiding principles for consideration of the balance of the public interest in connection with section 35(1)(a). The arguments of the public authority about disclosure resulting in inhibition to participants in the policy making process are relevant to two factors highlighted by the Tribunal: ‘safe space’ and ‘chilling effect’.
47. The term ‘chilling effect’ refers to an adverse effect on the frankness and candour of participants in the policy making process. Arguments about ‘safe space’ are related to chilling effect arguments but distinct, as the need for a safe space within which to debate policy exists regardless of any chilling effect that may result through disclosure. The basis of safe space arguments is that an erosion of the safe space for policy making would have a detrimental impact on the quality of the policy making process.
48. The weight that the Commissioner affords to chilling effect and safe space arguments will depend on how closely they relate to the information in question. For example, an argument that disclosure would result in a chilling effect to policy making in general would usually carry less weight than an argument that a chilling effect would result to the specific policy area to which the information relates. Also key is the stage reached in the policy making process at the time of the request. Where a public authority argues that harm would result to a specific and ongoing policy making process, this will generally carry more weight than an argument suggesting that harm would result to future policy-

making in general through disclosure of information relating to policy that was complete at the time of the request.

49. In this case, the public authority set out its arguments relevant to chilling effect and safe space in the internal review response. This made no reference to the specific process of policy formulation and development in relation to the specific negotiation process recorded within the information in question in this case, so the Commissioner assumes that the argument of the public authority was about general inhibition to the policy making process. The Commissioner does, however, note that the public authority has stated that the negotiation process was ongoing at the time of the request.
50. As to what the content of the information suggests about the likelihood of a chilling effect in terms of the level of detail that this contains, this information does record to some level of detail the views and recommendations of officials. Given this, the Commissioner would accept the premise of the argument that disclosure could result in future inhibition to officials, but the weight that this argument carries is tempered by the duty imposed on officials to provide full and impartial advice.
51. The Commissioner has identified two factors that support the chilling effect and safe space arguments made by the public authority. First, the negotiation process was ongoing at the time of the request, and secondly, the content of the information in question does include some level of detail. For these reasons, the Commissioner accepts that the chilling effect and safe space arguments do represent a valid factor in favour of maintenance of the exemption that carries some weight. However, this factor carries less weight that would have been the case had the public authority tied these arguments more closely to the policy making process to which the information relates.
52. Turning to those factors that favour disclosure, the subject of the policy making process to which the information relates is of relevance here. The Commissioner's considerations here are as set out above at paragraphs 32 and 33; whilst the Commissioner has found no evidence of widespread debate concerning the issues covered in the information, he is of the view that disclosure would assist in resolving the lacuna that exists in public knowledge of the workings of the EU and that doing so would be in the public interest.
53. The Commissioner has recognised the public interest in favour of disclosure on the basis of the improvement that this would bring to public knowledge and understanding about the workings of the EU. This is combined with the general public interest in the transparency and openness of decision-making within the public authority. However,

having found that the chilling effect and safe space arguments are bolstered by the content of the information and the stage that the policy making process had reached at the time of the request, the Commissioner finds that this tips the balance of the public interest. The conclusion of the Commissioner is, therefore, that the public interest in the maintenance of the exemption outweighs the public interest in disclosure.

Procedural Requirements

Sections 1 and 10

54. In failing to disclose the information which the Commissioner has concluded should not have been withheld within twenty working days of receipt of the request, the public authority did not comply with the requirements of sections 1(1)(b) or 10(1).

The Decision

55. The Commissioner's decision is that:

- the public authority applied the exemption provided by section 35(1)(a) correctly in relation to some of the information within the scope of the complainant's request.
- in relation to some documents to which section 35(1)(a) had been applied, the exemption is not engaged.
- the public authority applied the exemption provided by section 27(1)(a) and (b) correctly in respect of some information within the scope of the complainant's request.
- much of the information withheld under section 27(1) should be disclosed because the public interest in disclosure outweighs that in maintaining the exemption.
- by incorrectly withholding the information which should have been disclosed the public authority breached the requirements of sections 1(1)(b) and 10(1).

Steps Required

56. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act.

- Disclose the information withheld under sections 27(1)(a) and 27(1)(b), and that is not exempt under section 35(1)(a), with the words or abbreviations which identify individual countries redacted.
- Disclose the information also withheld under section 35(1)(a) in relation to which the Commissioner has found that exemption not to be engaged.

57. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

58. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Other matters

59. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern. The Commissioner's published guidance on internal reviews states that a review should be conducted within 20 working days, unless there are exceptional circumstances, in which case the review period may be extended to 40 working days. In this case the Commissioner notes that there appeared to be no exceptional circumstances, but that the public authority failed to respond with the outcome of the review within twenty working days. Neither did the public authority respond with the outcome of the review within forty working days. The public authority should ensure that internal reviews are carried out promptly in future.

Right of Appeal

60. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

61. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
62. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 17th day of October 2011

Signed

**Graham Smith
Deputy Commissioner
Information Commissioner's Office
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Wilmslow
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SK9 5AF**

Legal Annex

Section 1(1) provides that -

"Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him."

Section 10(1) provides that –

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

Section 27(1) provides that –

"Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

- (a) relations between the United Kingdom and any other State,
- (b) relations between the United Kingdom and any international organisation or international court,
- (c) the interests of the United Kingdom abroad, or
- (d) the promotion or protection by the United Kingdom of its interests abroad."

Section 35(1) provides that –

"Information held by a government department or by the National Assembly for Wales is exempt information if it relates to-

- (a) the formulation or development of government policy,
- (b) Ministerial communications,
- (c) the provision of advice by any of the Law Officers or any request or the provision of such advice, or
- (d) the operation of any Ministerial private office."