

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 31 January 2008

Public Authority: Ministry of Justice
Address: Selborne House
54 Victoria Street
London
SW1E 6QW

Summary

The complainant requested from the Department for Constitutional Affairs (now Ministry of Justice) a copy of a review carried out by HM Magistrates' Court Service Inspectorate into listing and case management in the Crown Court. The public authority took almost seven months to respond to the request during which time it was considering the public interest test in respect of the requested information. It eventually informed the complainant that it was refusing the request under section 36 of the Act and that the public interest favoured maintaining the exemption. The Commissioner has considered the complaint and has found that whilst the exemption was engaged the public interest favoured disclosing the information. The Commissioner found that the public authority breached section 17 of the Act by failing to inform the complainant of the exemption it believed applied to the requested information within 20 working days of receiving the request. The Commissioner also found that the public authority breached section 17 of the Act by failing to inform the complainant of its decision on the public interest within such a time as was reasonable in the circumstances.

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. On 20 April 2005 the complainant wrote to the public authority to request to see 'The Thematic Review of Listing and Case Management in the Crown Court'.

3. The public authority acknowledged the request and informed the complainant that it required further time to consider the public interest test in respect of the requested information. The public authority said that it planned to respond by 29 July 2005.
4. On 31 August 2005 the public authority informed the complainant that in its view the requested information may be exempt under section 36 of the Act. It explained that the exemption requires the public authority to consider whether the disclosure would or would be likely to prejudice the effective conduct of public affairs. It said that in the case of a government department, the qualified person is a Minister of the Crown and that given the availability of ministers it is likely that a decision would not be made on the complainant's request until 19 September 2005.
5. On 21 October 2005 the public authority explained that it was still considering the public interest test but said that it could assure the complainant that she would receive a substantive response to her request in the next week commencing 24 October 2005.
6. The public authority finally provided the complainant with a refusal notice on 11 November 2005. At this stage the public authority informed the complainant that the requested information was exempt from disclosure under section 36(2)(b)(i); section 36(2)(b)(ii) and section 36(2)(c). In applying the exemptions the public authority said that it had balanced the public interest in withholding the information against the public interest in disclosing the information.
7. The public authority outlined what it considered to be the public interest arguments in favour of either maintaining the exemption or disclosing the requested information. The public authority also said that in considering the public interest it had had regard to the following:

'The Findings of the review were reported to Ministers and the senior judiciary and the issues raised by the report were taken forward within the context of the Effective Trial Management Programme and the Criminal Case Management Framework. The criminal case management framework is a guide for operational practitioners on how cases might be managed most effectively and efficiently from pre-charge through to conclusion. It describes case management procedures and the roles and responsibilities of administrative staff operating those procedures, and of the defence. It also sets out the expectations of the judiciary. A copy of the framework can be found at <http://www.cjsonline.gov.uk/framework/>.'
8. On 15 November 2005 the complainant contacted the public authority to request that it carry out an internal review of its handling of her request.
9. On 31 January 2006 the public authority informed the complainant that its internal review had been completed but that, in line with its procedures, the review would need to be cleared by a qualified person. It said that it anticipated a substantive response reaching the complainant by the end of the week and assured the complainant that any further delay would be short.

10. Despite its assurances the public authority did not present the findings of the internal review until 12 April 2006. At this stage it said that it was upholding its earlier decision to refuse the request, for the reasons set out in its refusal notice of 11 November 2005. It confirmed that the information was being withheld under section 36(2)(b)(i); section 36(2)(b)(ii) and section 36(2)(c).

The Investigation

Scope of the case

11. On 3 May 2006 the complainant contacted the Commissioner to complain about the way her request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
 - The length of time it took the public authority to consider the public interest and to respond to her request.
 - The public authority's decision to refuse the request under section 36 of the Act.
12. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.
 - The length of time it took the public authority to conduct an internal review.

Chronology

13. On 21 May 2007 the Commissioner wrote to the public authority to request further information regarding its handling of the complainant's request for information. Firstly, the Commissioner asked the public authority to account for the delay in responding to the request and provide him with a copy of the withheld information.
14. In respect of the public authority's application of section 36 of the Act, the Commissioner asked the public authority the following questions:
 - The Commissioner asked the public authority to confirm whether, in considering the application of the section 36 exemption, it had sought the opinion of the qualified person.
 - The Commissioner asked the public authority to confirm when the qualified person's opinion was given.
 - The Commissioner asked the public authority to confirm whether the opinion of the qualified person was given verbally or in writing. The Commissioner asked for a copy of the qualified person's opinion if it was given in writing.

15. The Commissioner noted that the public authority had already addressed the public interest test in its refusal notice but nevertheless invited it to submit any further arguments or information it had taken into account when considering the public interest test.
16. The Commissioner had asked the public authority to respond to him within twenty working days in line with the Memorandum of Understanding between the Commissioner and central government departments. However, despite several reminders, the public authority failed to respond to the Commissioner until 1 November 2007 and did not provide the Commissioner with a copy of the withheld information until 6 November 2007. The public authority provided the Commissioner with a hard copy of the report which it said was the latest version of the document it held. It explained that it had been unable to locate an electronic version of the document.
17. In its response the public authority explained why it had taken so long to consider the public interest and respond to the complainant's request. It also responded to the Commissioner's questions regarding the application of section 36 and the opinion of the qualified person. The public authority also submitted further arguments in support of its decision that the public interest favoured maintaining the exemption.
18. On 19 November 2007 the Commissioner wrote to the public authority to ask for clarification on some of the points raised in its earlier letter. In particular the Commissioner asked the public authority to provide further information on the background to the commissioning of the report and whether or not it was intended that the report would be published.
19. The public authority responded to the Commissioner on 29 November 2007.

Findings of fact

20. At the time the request was made the qualified person for the public authority was, by virtue of section 36(5)(a) of the Act, any Minister of the Crown, which then included the Secretary of State for Constitutional Affairs.
21. The qualified person gave his opinion regarding the request on 17 October 2005.
22. The public authority has confirmed that the qualified person's opinion was given orally and was communicated to the persons responsible for handling the request via the Secretary of State's Private Office.
23. The public authority has confirmed that the qualified person gave his opinion after receiving advice from officials on the arguments surrounding disclosure.
24. The information withheld from the complainant is a review entitled *Managing the Business of the Crown Court: Listing and Case Management in the Crown Court*. This review was carried out by Her Majesty's Crown Prosecution Service Inspectorate, Her Majesty's Magistrates' Courts Service Inspectorate and Her

Majesty's Inspectorate of Constabulary. The review considered issues surrounding the effectiveness of listing of criminal cases in the Crown Court.

25. As part of the drafting process the report contains comments and 'tracked changes'. Although the report is labelled 'Final draft', it was abandoned and was never published.
26. The public authority has said that at the time that the report was produced it was the custom that the reports were the responsibility of the Chief Inspector, rather than the Lord Chancellor. Thus the Chief Inspector decided what and when to publish although Ministers and officials saw reports in draft or before publication. The public authority has confirmed that all inspection reports were published, although some had unpublished confidential annexes when dealing with issues such as security.
27. HM Inspectorate of Constabulary, HM Crown Prosecution Service Inspectorate and HMMCSI published a thematic review of listing in the magistrates' courts carried out in 2002. According to the foreword this was the first phase of a review that would cover both the magistrates' courts and the Crown Court. It noted that:

'The project arose from the widely acknowledged need for criminal justice agencies to work more closely together to achieve more efficient and effective scheduling, listing and case management practices.'
28. The public authority has confirmed that the findings of the review on Listing and Case Management in the Crown Court were taken forward through the following initiatives and programmes:
 - *The Responsibilities of Resident Judges and Designated Civil Judges and Family Judges* issued in July 2004 by the Senior Presiding Judge,
 - Section 14 of the *Crown Court Manual*, and
 - *The Criminal Case Management Framework*
29. These documents are in the public domain and are available on the internet on the Criminal Justice system website and the Judiciary of England and Wales website.
30. Listing in the Crown Court is the responsibility of the Judiciary. This is set out in the Concordat; the agreement reached between the Lord Chief Justice and the Secretary of State for Constitutional Affairs and the Lord Chancellor set out in a statement to the House of Lords on 26 January 2004. This is available on: www.dca.gov.uk/consult/lcoffice/judiciary.htm.

Analysis

31. A full text of the relevant statutes referred to in this section is included within the legal annex.

Procedural matters

Scope of the request

32. The report is held in draft form in hard copy and the public authority has confirmed that no electronic version is available. There is evidence of the ongoing drafting process throughout the report in the form of comments and 'tracked changes'. The public authority has said that it does not consider this information to fall within the scope of the request. The Commissioner agrees that it is the report itself which is covered by the scope of the request.

Time taken to consider the public interest test

33. The complainant made her request on 20 April 2005. Whilst the public authority acknowledged the request within 20 working days, it did not respond substantively until 11 November 2005, during which time it was considering the public interest test. The public authority only informed the complainant which exemption it believed applied to the requested information on 31 August 2005.
34. The Commissioner takes the view that public authorities should aim to respond fully to all requests within 20 working days. As the Commissioner has explained in his *'Good Practice Guidance 4'*, in cases where the public interest considerations are exceptionally complex it may be reasonable to take longer but in the Commissioner's view the total time taken to respond to a request should in no case exceed 40 working days. Where any additional time beyond the initial 20 working days is required to consider the public interest, the public authority must still serve a notice under section 17 of the Act within 20 working days of a request. That notice must state the exemption(s) being relied on and, if not apparent, why. The notice must include an estimate of the time by which the public interest decision will be made. If the final decision is to withhold the information requested, a second notice must then be issued providing the reasons for the decision on the public interest. No further notice is required if the final decision is to disclose the information.
35. The public authority failed to inform the complainant which exemption it was relying on within 20 working days of receiving the request
36. The public authority took almost seven months to consider whether the public interest test favoured maintaining the exemption or disclosing the requested information. The Commissioner considers this to be an unreasonable length of time.

Exemption

Section 36 - Prejudice to effective conduct of public affairs

37. In refusing to disclose the requested information the public authority relied on sections 36(2)(b)(i), 36(2)(b)(ii) and 36(2)(c) of the Act. Sections 36(2)(b)(i) and 36(2)(b)(ii) provides that information is exempt from disclosure if, in the reasonable opinion of the qualified person, disclosure 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. Section 36(2)(c) provides that information is exempt if it would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.
38. The public authority has shown that the Secretary of State for Constitutional Affairs gave his opinion on whether disclosure of the requested information would prejudice the effective conduct of public affairs on 17 October 2005. The Commissioner is satisfied that the qualified person for the public authority gave his opinion and that the decision to refuse the request was not made until the opinion of the qualified person had been sought and given.
39. In *Guardian Newspapers & Heather Brooke V Information Commissioner* the Information Tribunal considered the meaning of 'reasonable opinion'. It concluded that:
- '...in order to satisfy the sub-section the opinion must be both reasonable in substance and reasonably arrived at.'*
- Regarding the first point, the Tribunal stated that,
- '...we have no doubt that in order to satisfy the statutory wording the substance of the opinion must be objectively reasonable.'*
40. The public authority has claimed that disclosure of the information could 'deprive public authorities of the ability to discuss and reach conclusions about such draft reports in as frank and, candid and well informed a manner as is necessary'. The Commissioner believes that there is a possibility that disclosure of the requested information could have the effect suggested by the public authority. The Commissioner is satisfied that the qualified person's opinion, that disclosure 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, is objectively reasonable.
41. The public authority has also said that disclosure of the information could undermine relations with the Judiciary. Having reviewed the requested information the Commissioner believes that this is a possible consequence of disclosure. The Commissioner finds that the qualified person's opinion, that disclosure would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs, is objectively reasonable. In reaching his view on the reasonableness of the qualified person's opinion the Commissioner recognises

that it is possible that there may be different opinions on this matter which may also be considered reasonable.

42. As regards the question of whether the opinion was reasonably arrived at, the Commissioner notes that the qualified person was provided with advice on the various arguments surrounding disclosure and is satisfied that the opinion was reasonably arrived at.
43. The Commissioner therefore accepts that the section 36 exemption is engaged in this case.

Public Interest Test

44. Section 36 is a qualified exemption and is therefore subject to a public interest test under section 2(2)(b) of the Act. This states that the exemption applies if in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Therefore, the Commissioner has gone on to consider the balance of the public interest test in respect of the requested information. In reaching his decision the Commissioner has first considered the public interest arguments in favour of maintaining the exemption.

45. The public authority has argued that the information is held in draft form and that disclosure could have a detrimental effect on the ability of public officials to provide free and frank advice or free and frank exchange of views for the purposes of deliberation. In particular the public authority has claimed that:

'To publish original drafts would have a detrimental impact on the drafting process in the future, as it could deprive public authorities of the ability to discuss and reach conclusions about the contents of such draft reports in as frank, candid and well-informed a manner as is necessary. Furthermore, disclosure could lead to a deterrent effect on putting early thinking and frank advice to Ministers leading to decision making being less well informed which is squarely against the public interest.'

'It is in the public interest to create and maintain the space for ministers to refine a position. This space allows for all options to be considered, including radical options consideration of which, if disclosed, might deter ministers from receiving them in written form either at the time or in the future.'

46. The Commissioner is of the opinion that there is a public interest in allowing public authorities the space to consider all options, including radical options, when carrying out a review of this kind. The Commissioner accepts that were this information to be disclosed there is the possibility that ministers may be more reluctant to receive more radical advice in future. The Commissioner feels that this would not be in the public interest. As regards the possibility that ministers may be deterred from receiving radical options in written form in the future, the Commissioner feels that this argument is not sufficiently convincing to warrant maintaining the exemption. In reaching his view on this point the Commissioner has considered the decision of the Information Tribunal in *Baker v Information*

Commissioner & Department for Communities and Local Government. In that particular case the Tribunal attached little weight to arguments advanced by the public authority to the effect that disclosure would lead to public authorities being less inclined to receive advice in written form in future.

47. The public authority has also claimed that because the information contains inaccuracies the public interest would favour maintaining the exemption. The Commissioner's view is that this is irrelevant in terms of considering the public interest test but the fact that the findings of this report were abandoned and were never taken forward is significant in this case. It was decided to tackle the issue of listing and case management in the Crown Court primarily through the *Effective Trial Management programme* and the *Criminal Case Management Framework*. Clearly it was not felt appropriate to proceed with the findings of the review. The public authority considered the various ways of tackling problems surrounding the issue of listing and case management before deciding to proceed in a particular way. The Commissioner believes that there is a public interest in protecting this process.
48. In the previously referred to *Guardian Newspapers and Heather Brooke v Information Commissioner* the Information Tribunal suggested that when considering the public interest in respect of a case where section 36 is relied upon, the Commissioner can and should consider the severity, extent and frequency of prejudice or inhibition to the effective conduct of public affairs. In this case the Commissioner must give due weight to the fact that the report was almost certainly produced with the intention that it would be published, given that the public authority has made it clear that inspection reports of this kind were always published. Even though the report is in draft form it is the Commissioner's view that there would have been some expectation on the part of the drafters that the content, if not the exact wording, of the report would be likely to end up in the public domain. The Commissioner feels that this has the effect of significantly reducing the severity and extent of any prejudice that may be caused as a result of disclosure.
49. The public authority has demonstrated that listing and case management in the crown court has been dealt with via the *Effective Trial Management programme*, the *Criminal Case Management Framework* as well as *The Responsibilities of Resident Judges and Designated Civil Judges and Family Judges* and the *Crown Court Manual* and these documents are publicly available. The public authority has suggested that the existence of these documents is such that the public interest in the findings of the withheld report, which it stresses was abandoned, is reduced. The Commissioner feels that the existence of these documents does go some way to satisfying the public interest in openness and accountability in the issue of listing and case management in the Crown Court. However there remains a public interest in releasing further information which would help to provide as full a picture as possible regarding the issue of listing and case management in the crown court.
50. The public authority has itself acknowledged that there is a legitimate public interest in the information requested by the complainant. In its refusal notice the public authority commented:

'...disclosure would be likely to lead to a greater understanding and transparency of both the effectiveness and efficiency with which government works and how the inspection of the court administration provides assurance and improvement for end users of court services.'

51. The Commissioner feels that this is a significant argument in favour of disclosure. Whilst the public availability of these other initiatives and programmes may go some way to satisfying the public interest in the transparency of listing and case management in the Crown Court; they provide little insight into the inspection of court administration and the Commissioner feels that there is a clear public interest in information of this kind.
52. The public authority has also said that disclosure would not be in the public interest as it would undermine relations with the Judiciary. The Commissioner asked the public authority to clarify this statement at which point it explained that disclosure could be seen as cutting across the Judiciary's responsibility for listing. The public authority highlighted the fact that the responsibilities of the Judiciary and the Government are set out in the Concordat; the agreement reached between the Lord Chief Justice and the Secretary of State for Constitutional Affairs in 2004.
53. The Commissioner notes that in reaching its decision on disclosure the public authority sought the views of senior members of the Judiciary and their opinion was that disclosure would not be in the public interest. Whilst this, in itself, would not justify withholding the information, the Commissioner feels that this is a relevant consideration when considering the extent and severity of any prejudice that may be caused by disclosure. As has already been mentioned above, the Commissioner is willing to accept the possibility that disclosure could prejudice the effective conduct of public affairs by undermining relations with the judiciary. The Commissioner feels that this possibility is more than a remote possibility. Nevertheless the Commissioner remains unconvinced that the prejudice caused by disclosure would be sufficiently severe as to warrant maintaining the exemption. Again, the Commissioner is mindful of the fact that there must have been some expectation on the part of the drafters that the content of the report would end up in the public domain. In light of this it is difficult to see what real and lasting prejudice would be caused to relations with the Judiciary through disclosure.
54. The Commissioner accepts that there is a public interest in maintaining the exemption and withholding the report. The Commissioner has given due weight to the opinion of the qualified person and feels that the public interest is finely balanced in this case. However, the Commissioner is of the opinion that the severity, extent and frequency of any prejudice that may be caused through disclosure is insufficiently strong as to warrant maintaining the exemption in this case. Accordingly, the Commissioner finds that the public interest favours disclosure of the requested information.

The Decision

55. The Commissioner's decision is that the public authority breached the Act in the following respects:
- The public authority breached section 17(1) of the Act by failing to inform the complainant within 20 working days which exemption applied to the requested information.
 - The public authority breached section 17(3) of the Act by failing to inform the complainant of its decision on the public interest within such time as is reasonable in all the circumstances.
 - The public authority breached section 1 of the Act by incorrectly withholding the requested information under section 36 of the Act.

Steps Required

56. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:
- Disclose to the complainant the report entitled – *Managing the Business of the Crown Court: Listing and Case Management in the Crown Court*.
57. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Other matters

58. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:
59. The complainant asked the public authority to conduct an internal review of its handling of his information request on 15 November 2005. The public authority did not present the findings of the internal review until 12 April 2006. Section VI of the *Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000* issued under section 45 of the Act says that it is good practice for a public authority to have a procedure in place to deal with complaints about the manner in which a request for information is handled. As he made clear in his *Good Practice Guide No 5*, the Commissioner considers that these reviews should be completed as soon as possible. Whilst no explicit timescale is laid down by the Act, the Commissioner has decided that a reasonable time for completing an internal review is 20 working days from the date of the request for review. In

exceptional circumstances it may be reasonable to take up to 40 days. In this case the public authority took 5 months to carry out an internal review and the Commissioner considers this to be a significant failure to conform with the Code of Practice.

Failure to comply

60. 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.

Right of Appeal

61. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

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.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 31st day of January 2007

Signed

**Graham Smith
Deputy Commissioner**

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

Legal annex

Section 2(2) provides that –

“In respect of any information which is exempt information by virtue of any provision of Part II, section 1(1)(b) does not apply if or to the extent that –

- (a) the information is exempt information by virtue of a provision conferring absolute exemption, or
- (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”

Section 17(1) provides that –

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.”

Section 17(3) provides that –

“A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

- (a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or
- (b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Section 36(1) provides that –

“This section applies to-

- (a) information which is held by a government department or by the National Assembly for Wales and is not exempt information by virtue of section 35, and
- (b) information which is held by any other public authority.

Section 36(2) provides that –

“Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act –

- (a) would, or would be likely to, prejudice-
 - (i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or
 - (ii) the work of the Executive Committee of the Northern Ireland Assembly, or
 - (iii) the work of the executive committee of the National Assembly for Wales,
- (b) would, or would be likely to, inhibit-
 - (i) the free and frank provision of advice, or
 - (ii) the free and frank exchange of views for the purposes of deliberation, or
- (c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Section 36(5) provides that –

“In subsections (2) and (3) "qualified person"-

- (a) in relation to information held by a government department in the charge of a Minister of the Crown, means any Minister of the Crown,
- (b) in relation to information held by a Northern Ireland department, means the Northern Ireland Minister in charge of the department,
- (c) in relation to information held by any other government department, means the commissioners or other person in charge of that department,
- (d) in relation to information held by the House of Commons, means the Speaker of that House,
- (e) in relation to information held by the House of Lords, means the Clerk of the Parliaments,

- (f) in relation to information held by the Northern Ireland Assembly, means the Presiding Officer,
- (g) in relation to information held by the National Assembly for Wales, means the Assembly First Secretary,
- (h) in relation to information held by any Welsh public authority other than the Auditor General for Wales, means-
 - (i) the public authority, or
 - (ii) any officer or employee of the authority authorised by the Assembly First Secretary,
- (i) in relation to information held by the National Audit Office, means the Comptroller and Auditor General,
- (j) in relation to information held by the Northern Ireland Audit Office, means the Comptroller and Auditor General for Northern Ireland,
- (k) in relation to information held by the Auditor General for Wales, means the Auditor General for Wales,
- (l) in relation to information held by any Northern Ireland public authority other than the Northern Ireland Audit Office, means-
 - (i) the public authority, or
 - (ii) any officer or employee of the authority authorised by the First Minister and deputy First Minister in Northern Ireland acting jointly,
- (m) in relation to information held by the Greater London Authority, means the Mayor of London,
- (n) in relation to information held by a functional body within the meaning of the Greater London Authority Act 1999, means the chairman of that functional body, and
- (o) in relation to information held by any public authority not falling within any of paragraphs (a) to (n), means-
 - (i) a Minister of the Crown,
 - (ii) the public authority, if authorised for the purposes of this section by a Minister of the Crown, or
 - (iii) any officer or employee of the public authority who is authorised for the purposes of this section by a Minister of the Crown.”