



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Press Release

Date: 18 June 2007

Home Office right to withhold information under FOI

The Information Commissioner's Office (ICO) has ruled under the Freedom of Information Act that the Home Office was right to withhold five applications for licences to test drugs on animals.

The complainant's request was for copies of five project licence applications which were obtained by the Home Office under the Animal Scientific Procedures Act (ASPA). The Home Office issued a refusal notice, citing several exemptions including the 'Personal information' exemption, the 'Health and safety' exemption and the 'Prohibitions on disclosure' exemption.

The Home Office highlighted that anonymised summaries of the licences are published on the Home Office web site. These 'abstracts' are written by the licensee with the knowledge that they will be published. In addition the Home Office disclosed some additional, factual information from the licences which it did not consider to be confidential.

The Home Office stated that the licence applications are obtained under Section 5 of the ASPA in confidence, and explained that Section 24 of the ASPA makes it an offence to disclose the information contained in the applications. The Home Office outlined that this made such information exempt from disclosure under Section 44 of the Freedom of Information Act, 'Prohibitions on disclosure'.

In his decision, the Information Commissioner considered the information contained in the abstracts, the additional information disclosed and the remaining information contained in the licence applications. The Commissioner agrees that the remaining

information was provided to the Home Office in confidence and therefore the Section 44 exemption of the Act is engaged. As Section 44 is an absolute exemption, it is not subject to the public interest test.

Having upheld the public authority's decision, the Commissioner requires no further steps to be taken.

[Full Decision Notice fs50088298.pdf](#)

ENDS

If you need more information, please contact the Information Commissioner's press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
3. Appeals on either side must be made within 28 days of the date of the Decision Notice