In a landmark decision, the government has invoked a never-before-used clause in the Freedom of Information Act 2000, in a move which amounts to a vote of 'no confidence' in the two bodies responsible for overseeing the FOIA. The veto was exercised to prevent the publication of Iraq war Cabinet minutes. Both the Information Commissioner and, most recently, the Information Tribunal, have ruled that the minutes should be released. Instead of complying with the ruling or appealing the Tribunal's decision to the High Court (on a point of law), the Justice Secretary Jack Straw elected to issue a section 53 FOIA certificate explaining his decision to use a veto. In it, Mr Straw argues that it is fundamental to the public interest that Cabinet meetings should be a forum for confidential discussions. In exercise of the power afforded to him by section 49(2) FOIA, the Information Commissioner Richard Thomas will lay a report before Parliament after considering the issue. Ahead of his report, the Commissioner issued a statement saying "my Decision to order disclosure of the Cabinet minutes was made [...] on public interest grounds. It was upheld by the Information Tribunal. It was made clear by the Tribunal and by me that this was an exceptional case."

“The government has chosen not to appeal the Tribunal's decision to the High Court, but instead has exercised its right of veto under the FOI Act. However, it is vital that this is also (Continued on page 14)