If you have any questions about the handling of your information request then please do not hesitate to contact me.

Yours sincerely,

Cyrille Marcel

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Deleted: Dear Mr Kushlick,¶
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I am writing further to receipt of the letter, of 27 August 2009, from the Information Commissioner's Office in which we were asked to re-examine the disclosure status of the report you requested in your first request on 7 February 2008. I understand that Mr Ben Tomes has been in contact with you about the Home Office response to the request for the document to be release to be reconsidered with a view to disclosure of the report. I have been in touch with Mr T4811(87 108

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Alice Snelling
Information Access Team
Information Management Service

Tel: 020 7035 4791

cc. Home Secretary
Meg Hillier
David Normington
Stephen Rimmer (CPG)
Mandie Campbell (DAPD)
David Oliver (DSU)
Simon Eglington (DSU)
Dominic Flint (DSU)
Helen Kilpatrick (FCG)
Fiona Spencer (SSD)
Richard Thompson (IMS)
Special Advisors
Toby Nation (Press Office)
Nadia Ramsey (Press Office)

Date:

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2 December 2009

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1. On 7 February 2008,

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Information has previously been requested by

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Mr Danny Kushlick requested access to the

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, 7 February 2008, on the

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a report commissioned by the Home Office to inform the 2008 Drug Strategy.

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Following his complaint to the Information Commissioner's Office about the non disclosure of the value for money (VfM) report this has now been re-examined with a view to disclosure. The cross departmental Drug Strategy Group agreed to disclosure of the VfM report following their meeting on 15 October 2009

Page 1: [9] Deleted MARCELC 10/05/2010 15:54:00

The report was withheld under section 35(1)(a) (formulation of government policy) of the FOI Act. Following an internal review, a different exemption 36(2)(c) (prejudicial

2008. The applicant has subsequently made an appeal to the Information Commissioner's Office – this appeal is on going.

Following discussions with the Drug Strategy Unit, it was agreed that the report should continue to be withheld under the same exemption. However, due to the passage of time it was also agreed that the sensitivities, and therefore the reasons for applying the exemption at s.36(2)(c), had changed.

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, following the exemption provided by

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section 36(2)(c). The report has continued to be withheld under the same exemption. Due to the passage of time since the exemption was first approved, in December 2008,

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Because of this, your approval should have been sought to approve the new application of the exemption.

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Coaker acted as the qualified person and agreed to the use of s36(2)(c) on 2 December 2008 having received advice in the attached submission dated 26 November 2008, attached at **Ann B**.

Mr. Kushlick made a complaint to the ICO on 27 August 2009 that the VfM report should be disclosed given the passage of time since his first request in June 2008 which had been withheld under s35(1)(a

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). At this time we agreed that the exemption provided by s36(2)(c) was still valid.

The report was due to be provided to Mr Kushlick at the same time as the National Audit Office report which was due to be published before the end of 2009. Mr Kushlick has now heard that the NAO report will not be published before March 2010 and has contacted the press and the Information Commissioner's Office. We have now been asked which Minister approved the continued use of the exemption provided by s36(2)(c).

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. Urgent – A reply is requested

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by 20 November to comply with ICO deadlines for providing a respon10.6236(s)14.322(p)610orespon10.6

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Transform's website is currently comparing the costs and benefits of current drug prohibitionist policy and drug control compared to legal regulation. They are likely to pick up areas of the report which highlight the difficulty in assessing VfM and that evaluation of programmes and initiatives are patchy. Withholding release of the report until the publication of the more detailed and current NAO study will help to avoid a focus on the gaps in the evidence base and evaluation of VfM identified by the earlier analysis.

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Press Office have approved the response. "There was an administrative error in the processing of this FOI and letter was sent out prematurely. Renewed ministerial authorisation is being sought."

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11. This announcement carries a medium level of controversy. Transform are critical of the Government's drug policy and are likely to pick out elements of the report and use these to demonstrate a perceived failure of the drug strategy. Transform are likely to be publicly critical, which could attract media criticism. Press office therefore recommends publishing the report on the Home Office website to tie in with the date that the report will go to Danny Kushlick.

12. Once published, Press Office reactive lines to take will explain which elements of the report have incorporated into the drug strategy and will rebut criticisms of any elements that are not included. Press office will work with other Government department press offices to highlight examples of cost effectiveness of the strategy.

13. Key issues that may be raised by Mr Kushlick, or by Transform, are set out at **Ann** , with brief précis of the Government's position on these issues. Should you agree with the re( )0.468649(c)2.75825ut

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Financial & Commercial Group
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Dear Mr Kushlick,

I am writing further to receipt of the letter, of 27 August 2009, from the Information Commissioner's Office in which we were asked to re-examine the disclosure status of the report you requested in your first request on 7 February 2008. I understand that Mr Ben Tomes has been in contact with you about the Home Office response to the request for the document to be release to be reconsidered with a view to disclosure of the report. I have been in touch with Mr Tomes on a number of occasions since 27 August and had hoped to provide you with a resolution to your request today.

While we are content that our use of the exemption provided under section 36(2)(c) – prejudice to the effective conduct of public affairs – to withhold information was correct at t24( )0.468649(u)-10.6236(n)12.5010.623819(c)2b5582508(e)-vie1the4(w)-interna review in oem egxa ine tothMore ep evie, ul 00 eport

I have copied this letter and the report to Mr Tomes at the Information

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