



Cabinet Office

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Wynne Jones

By email: [cj-editor@biggeesblog.cymru](mailto:cj-editor@biggeesblog.cymru)

FOI Reference: FOI2021/05050  
31/03/2021

Dear Wynne Jones

I refer to your two requests where you asked:

*"Dear Team members*

*Subject: C J 89: Covid 19 - Awarding of private contracts*

*I refer to the above subject and to my letter dated 16 November 2020 addressed to the Rt Hon Julia Lopez MP. Follow-up reminder letters were dispatched to your correspondence team 15 December, 12 January 2021 and 19 February 2021. No effort has, to date, been made to respond. I regret, I must therefore now request the following information under the Freedom of Information Act 2000.*

A copy of the "**Internal Review**" findings into the awarding of Covid 19 private contracts."

I am writing to advise you that following a search of our paper and electronic records, I have established that the information you requested is held by the Cabinet Office.

With reference to your request for the results of the 'internal review', I can confirm that the information you have requested is being withheld under a combination of Section 42 of the Freedom of Information Act, which provides an exemption for information provided under legal professional privilege (LPP), and Section 21 - information reasonably accessible by other means.

This reference relates to a fact finding exercise carried out in late 2020, the dominant purpose of which was to prepare a defence of claims for Judicial Review relating to the award of two contracts, and to inform future actions.

As the dominant purpose of the exercise was to support the litigation process, the provisions of Section 42 of the FOI Act apply here. This exemption is subject to the application of a public interest test. We have considered this, and believe that, in this case the public interest for non-disclosure outweighs the reasons for disclosure. This is due to the importance of safeguarding openness in all communications between client and lawyer to ensure access to full and frank legal advice.

The findings of the exercise were however used to inform the report by Nigel Boardman, published in December 2020, which makes recommendations for improvements related to procurement processes within the Cabinet Office. The Boardman report was published on gov.uk and is available, alongside an explanatory statement from the Cabinet Office Chief Operating Officer, [here](#). The introduction of the report states that the information gathered under the fact-finding exercise includes information subject to legal professional privilege and publication of this report does not waive that privilege.

If you have any queries about this letter, please contact the FOI Team quoting the reference number above.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Rachel Anderson  
Head of Freedom of Information  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

email: [foi-team@cabinetoffice.gov.uk](mailto:foi-team@cabinetoffice.gov.uk)

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued. If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

The Information Commissioner's Office  
Wycliffe House

Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Khan', written in a cursive style.

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Cabinet Office