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Room G39,

1 Horse Guards Road

London, SW1A 2HQ

foi-team@cabinetoffice.gov.uk www.cabinetoffice.gov.uk

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| [Redacted] |
| By email: [Redacted] |

FOI reference: FOI2025/09624

16 July 2025

Dear [Redacted]

We refer to your request where you asked:

*“My request relates to this answer to a Parliamentary Question.*

*Q: To ask the Minister for the Cabinet Office, if he will place in the Library a copy of the request from FDA for voluntary recognition of a trade union for special advisers.*

*A: The government does not publish such information.*

*https://questions-statements.parliament.uk/written-questions/detail/2025-04-03/44032*

*Please provide the information requested in that question. Please also provide any final recognition agreement.*

*Please redact the personal names of any civil servants or special advisers, if necessary under Section 40. Disclosure will be in the public interest as there is already an expectation of transparency about special advisers (and their salaries and terms and conditions); they are amongst the most senior civil servants. There is a public interest in transparency about how trade unions operate in government. The answer in the PQ does not represent a valid exemption under the Act.*

*I appreciate intra-trade union communications may be out of scope; I am asking for*

*communications with the Cabinet Office ‘official’ side and held accordingly.”*

We are writing to advise you that following a search of our paper and electronic records, we have established that the information you requested, ‘a copy of the request from FDA for voluntary recognition of a trade union for special advisers’ is held by the Cabinet Office.

Please find below an excerpt from a letter from the FDA to Darren Tierney, Director General Propriety and Constitution Group, dated 13 August 2024. In the letter the FDA requests that the Cabinet Office voluntarily recognise the FDA as a trade union for special advisers.

*‘Dear Darren,*

*I am writing with regards to our members in the special adviser group. As you know, special advisers are similar to the senior civil service, in the way their pay, terms and conditions are set centrally. For many years we have had members who are special advisers…We have had ongoing discussions with your team and the wider Cabinet Office on this subject, which we welcome. Since the new government came to power, a significant number of special advisers have joined the FDA, and we are therefore requesting that you formally recognise us as the union for collective bargaining and representation purposes, so that we may progress our work with you on their behalf.’*

*‘I look forward to hearing from you…formalising our arrangements for engagement.’*

Information regarding FDA Officers who were identified in the request for recognition constitutes personal data and is exempt from disclosure under section 40(2) of the Freedom of Information Act. Section 40(2) exempts personal information from disclosure if that information is related to someone other than the applicant, and if disclosure of that information would, amongst other things, contravene one of the data protection principles in Article 5(1) of the UK General Data Protection Regulations and section 34(1) of the Data Protection Act 2018. In this case, I believe disclosure would contravene the first data protection principle, which provides that processing of personal data is lawful and fair.

Section 40(2) is an absolute exemption and the Cabinet Office is not obliged to consider whether the public interest favours disclosing the information.

The information you requested of ‘a final recognition agreement’ is not held by the Cabinet Office.

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:

Head of Freedom of Information

Cabinet Office

1 Horse Guards Road

London

SW1A 2HQ

email: 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 the Cabinet Office. The Information Commissioner can be contacted at:

https://ico.org.uk/make-a-complaint/

The Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Yours sincerely



FOI Team

Cabinet Office