

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 October 2021

Public Authority: The British Museum
Address: Great Russell Street
London
WC1B 3DG

Decision (including any steps ordered)

1. The complainant has requested information relating to any actions, interventions or projects undertaken by the British Museum intended to review any subjects or collections that may have origins in slavery or racism.
2. The Museum confirmed that it held information within the scope of the request, specifically external correspondence received from the public which the museum considered exempt under section 40(2) (personal information) and section 41 (information provided in confidence). The complainant has clarified that they do not wish to receive any external correspondence but did not accept that the museum held no internal communications in relation to the request.
3. The Commissioner is satisfied that, on the balance of probabilities, the Museum does not hold any further information that falls within the scope of the request. The Commissioner does not require the Museum to take any further steps.
4. However, in failing to provide its response to the request within 20 working days the Museum has breached section 10 (time for compliance with request) of the FOIA.

Request and response

5. On 13 January 2021, the complainant wrote to the Museum and requested information in the following terms:

"From September 1 up to date: (Or from the first week of each month up to date from September 1 if this is too long a timeframe)"

Can you please provide (redacted as needed):

internal communications/memos/notices/emails/video conference calls, advice, webinars or transcripts of these, etc –

From potentially Staff networks, working groups, intranet notices, senior members staff and management, internal recommendations on behalf of senior staff or the organization as a whole, reports, letters, petitions and external communications to senior staff (this is only suggested material)

- My main focus is email communication to and from the most senior staff: director, head of curation activity, board chair, and head of diversity and inclusion

- Regarding: Actions, interventions and projects intended to decolonise or address contested legacies and diversity - particularly with regard to named figures who may be problematic colonialism, racism and slavery.

This could found using key terms: "Decolonising" "Colonialism", "imperialism", "empire", "institutional racism", "white supremacy" "far right"

In particular I would like to know what particular figures or objects have been a focus for review of re-assessment.

As a focussed question it could be framed as: "What work is being done, or has been proposed in the above material, to tackle historic legacies of slavery, racism, or other contested legacies?"

6. The Museum responded on 22 February 2021. It confirmed that it held information that fell within the scope of the request, 'namely external correspondence which we have received on the subject of Black Lives Matter and the re-display of the Hans Sloane bust.' The location of the Hans Sloane bust was changed in August 2020 to emphasise Sloane's connections to colonialism and slavery.¹
7. The Museum confirmed that all correspondence it had received from the public was exempt from disclosure in accordance with section 40(2) (personal information) and section 41(1) (information provided in confidence).
8. The museum sent the outcome of its internal review on 12 April 2021. It upheld its original position.

¹ [British Museum boss defends moving bust of slave-owning founder | British Museum | The Guardian](#)

Scope of the case

9. The complainant raised concerns with the Commissioner about the way that their request for information had been handled. The complainant confirmed to the Commissioner that they were not concerned with the disclosure of any external correspondence that the Museum had received from the public.
10. The complainant was concerned that the Museum had failed to identify all of the information that would fall within the scope of the request. The complainant explained to the Commissioner *'I highly doubt the issue has not been discussed and emailed about at the Museum.'*
11. The Commissioner therefore considers the scope of her investigation to be to determine whether, on the balance of probabilities, the Museum is correct when it says it does not hold any further information that falls within the scope of the request.

Reasons for decision

12. Section 1 of the FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

13. In this case, the complainant disputes the Museum's position that it does not hold any further information that falls within the scope of their request.
14. In cases where a dispute arises over the recorded information held by a public authority at the time of a request, the Commissioner, following the outcome of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. This means that the Commissioner will determine whether it is likely, or unlikely, that the public authority held information relevant to the complainant's request at the time that the request was received.
15. In order to reach her determination, the Commissioner asked the Museum to provide detailed explanations as to why the requested information was not held at the time that the request was received. The Commissioner also asked the Museum to explain the searches it had

undertaken to locate any information that would fall within the scope of the request and to explain why these searches would have been likely to locate all of the information in scope.

The Museum's position

16. In order to fully explain its position, the Museum provided the Commissioner with context relating to its structure and information management processes.
17. The Museum was founded in 1753 and traditionally has always been administered as a series of separate organisations built around each curatorial department. In the last decade work began to centralise the administrative functions of these departments but it is still the case that information is held in many different locations across the Museum and there is no single searchable directory of information.
18. Operational responsibility for the Museum lies with two Deputy Directors. The first oversees the Museum's operations and the second oversees the Museum's collections and public engagement. These two Deputy Directors report to the Museum Director and the Board of trustees. Collectively, the Director and their deputies are known as the Directorate Group (DG).
19. The Museum has confirmed that every area of the Museum reports to one or other of the Deputy Directors and has provided the Commissioner with an organogram to support this claim.
20. The Museum has also confirmed that, as the most senior members of staff, any considerations, consultations or approval of any of the initiatives listed described in the request would go through the DG. This is because such projects would have been initiated by the DG itself or by senior staff within the Museum who would report to the DG for necessary approval.
21. The Museum has explained '*Given the public sensitivity surrounding some of the initiatives listed, it is inconceivable that any actions would have been taken without the involvement of the DG*' and therefore, in relation to the request, to consult staff below DG level would be a fruitless exercise.
22. The Commissioner considers that a public authority, in establishing whether information is held in response to a request for information, should conduct thorough and robust searches which involves staff of all levels if appropriate.
23. However, the Museum has explained that it is very confident that no information, other than correspondence received from the public, is held in relation to the request . The Museum has handled very similar

requests, from the same complainant, before. The subjects of these previous requests have included: the Black Lives Matter campaign, the killing of George Floyd, decolonisation collections, colonialism, imperialism, institutional racism, white supremacy, slavery, the British Empire and any collections of historical figures that have been highlighted as problematic by the museum or its staff. Within these requests, the complainant also sought details of any reviews, actions, interventions or projects conducted in relation to the aforementioned subjects or collections.

24. The Museum has explained *'The similarity of some of the requests also means that we are confident that such information would have been produced by colleagues if it existed.'*
25. The Commissioner notes that all of the requests described above relate to internal correspondence within the Museum. Whilst some requests, including the one being investigated, have specifically alluded to senior members of staff others do not. However, returning to paragraph 15 the Commissioner is satisfied that the Museum has been able to use its experience and handling of the complainant's previous requests to suitably narrow the criteria of the request and associated searches.
26. The Museum has explained that, upon receiving the request, it contacted the DG and summarised the terms of the request in a series of bullet points for its consideration. The request was also included verbatim so there could be no doubt as to the type of information that was being sought in this instance.
27. The Museum has confirmed that members of the DG searched their inboxes for information that fell within the scope of the request.
28. The Museum has also confirmed that the following search terms were used to ascertain if any information in scope was held within the DG's local drives: BLM, Black lives Matter, Contested, Sloane, Decolonization, Decolonize, Legacy, Legacies, Diversity, Actions, Interventions, Projects. Given the breadth of the request, the Commissioner considers the aforementioned search terms proportionate and appropriate.
29. Both of these searches identified information that fell within the scope of the request, solely the external correspondence received from the public which the complainant has confirmed they do not wish to receive.
30. The Museum has issued a public statement regarding its plans to *'reconsider, rethink and rebalance the display of the collection.'*² The

² [A message from Director Hartwig Fischer - British Museum Blog](#)

Commissioner agrees with the complainant that it is therefore reasonable to presume that correspondence had been exchanged between senior staff regarding this commitment. However, it is not the role of the Commissioner to comment on the appropriateness of when, if it chooses to do so, the Museum takes such steps.

31. Whilst it is under no obligation to do so, the Museum has explained to the Commissioner why it believes no internal correspondence is held that falls within the scope of the request.
32. The Museum has explained it *'closed its doors on 17 March 2020 for the first time in history and did not reopen until 27 August 2020. It then closed again on 5 November 2020 for a further period of 4 weeks until 3 December 2020. We began to furlough staff on 18 March 2020 and whilst the Museum was closed, the only staff who remained working, either on site or remotely, were those deemed to be essential for operations.'*
33. The Museum has explained that to close and then reopen during the coronavirus pandemic was a complex and unprecedented task and operations were not normal during the period covered by the request.
34. For example, any staff who returned to work at the Museum in August 2020 were addressing the major logistical and practical issues that the pandemic had caused such as implementing track and trace and social distancing processes, addressing the financial situation created by the closure of the museum, resolving the operational issues surrounding the collection and managing objects which were either on loan, in transit to other venues or due to go on loan.
35. With this in mind, the Museum has concurred that *'it is therefore not wholly unexpected that no information within the scope of the request was created during this period.'*

The Commissioner's view

36. The Commissioner is satisfied that, as the complainant's request specifically alludes to senior members of staff at the Museum, and the DG would have been consulted and granted final approval of any initiatives referred to within the request, that appropriate and proportionate searches have been carried out to identify all information that falls within the scope of the request.
37. The complainant's concerns have been noted. However, it appears that whilst during the pandemic the public had ample opportunity to write to the Museum to express their views, the Museum's priorities lay elsewhere as it attempted to manage the effects of the pandemic.

38. The Commissioner is satisfied that, on the balance of probabilities, the Museum does not hold any information that falls within the scope of the request, other than that which the complainant has confirmed they do not wish to receive.

Procedural matters

Section 10 – time for compliance with the request

39. Section 10 time (for compliance with the request) of the FOIA states that:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

40. In failing to provide its response to the request within 20 working days, the Museum has breached section 10.

Right of appeal

41. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

42. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
43. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
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Cheshire
SK9 5AF