

6 July 2023

IC-171329-N4V4

Request

We have interpreted your request to be for any information held about the Department for Digital, Culture, Media and Sport's (DCMS) 'Counter Disinformation Unit' (CDU).

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Response

I can confirm that we hold some information in scope of your request.

As we do not categorise complaints about DCMS according to individual workstreams they undertake, it was necessary for me to conduct a manual search of all complaints we hold about them. Please note that this does mean we cannot guarantee its accuracy.

I identified six FOI complaints in which the CDU was mentioned. Three of these were closed due to insufficient information being provided by the complainant, one was withdrawn, and two were upheld. The Decision Notices (DNs) for the two upheld complaints can be found online here:

<https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4022106/ic-169763-y3m3.pdf>

<https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4020278/ic-162707-m1h5.pdf>

I have also carried out reasonable searches and made enquiries with relevant parts of the business that may have had some involvement with DCMS regarding the CDU.

I can confirm that the CDU was mentioned briefly in a report of 29 April 2020 about the ICO's role in countering COVID-19 misinformation and disinformation.

The CDU is mentioned twice in the report:

The government has established a Rapid Response Unit, operating from within the Cabinet Office, to counter harmful narratives online relating to COVID-19 and relaunched their 2019 "Don't feed the Beast" campaign including a five-point SHARE checklist to help the public identify misleading content. The unit is one of several teams feeding into a Counter Disinformation Cell, led by DCMS and comprising "experts from across government and the tech sector".

With the following recommendation being made:

PGA [the ICO's Parliament and Government Affairs team] should engage with DCMS to highlight the findings of this paper and the proportionate actions the ICO are taking in response. This engagement should explore opportunities to support government messaging in relation to COVID-19 and the wider work of the department's Countering Disinformation Cell.

As this is the only information about the CDU contained within the report, we considered the rest of the report to be outside of the scope of your request.

In May 2021 DCMS contacted us with a question about processing in relation to the CDU, to which we responded with general advice.

We have withheld this information under the provisions of section 44 of the FOIA which places prohibitions on disclosure. This exemption is an absolute exemption, which does not require a consideration of the public interest test of the type required by the qualified exemptions.

Section 44(1)(a) of the FOIA states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment'

The enactment in question is the Data Protection Act 2018 and specifically section 132(1) of part 5 of that Act. This states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

Section 132(2) lists the circumstances in which a disclosure can be made with lawful authority, however we find that none of them apply here. As a result the information is exempt under the FOIA and withheld from our response.

This concludes our response to your request.

FOI review procedure

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or e-mail icoaccessinformation@ico.org.uk.

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are. This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



Information Access Team
Risk and Governance Department, Corporate Strategy and
Planning Service
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
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