

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 June 2018

Public Authority: Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant has requested a copy of assessments of UK journalists.
2. The Commissioner's decision is that the Cabinet Office does not hold the requested information.
3. The Commissioner does not require the Cabinet Office to take any further steps.

Request and response

4. On 29 September 2017, the complainant wrote to the Cabinet Office and requested information in the following terms:
"Please disclose a copy of all assessments held on file of UK journalists produced by the press office of the Cabinet Office or the Prime Minister's Office, from January 1st 2013 to date."
5. The Cabinet Office responded on 23 October 2017. It stated that it did not hold the requested information.
6. Following an internal review the Cabinet Office wrote to the complainant on 13 December 2017. It upheld its original position.

Scope of the case

7. The complainant contacted the Commissioner on 14 December 2017 to complain about the way his request for information had been handled.
8. The complainant has highlighted previous news stories which suggest (based on leaked information) that a list of journalists did previously exist. He further argues that such a list would be useful to a press office in deciding which journalists to brief stories to.
9. The scope of the Commissioner's investigation has been to determine whether the Cabinet Office held information at the time of the request.

Reasons for decision

10. Section 1(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."*

11. Section 84 of the FOIA defines "information" in this context as being *"information recorded in any form"*.

Determining whether information is held

12. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
13. In other words, in order to determine such complaints the Commissioner must decide whether it is more likely than not that a public authority does not hold any information which falls within the scope of the request (or did not hold it at the time of the request).
14. The Commissioner will consider the scope, quality and thoroughness of the searches performed, and whether the searches were appropriate and adequate. She will also consider any other explanations provided by the public authority for why the information is not held. Finally she will

consider the arguments or evidence provided by the complainant as to why they consider the requested information must be held.

The Cabinet Office's position

15. The Cabinet Office has stated that it has consulted both its own Chief Press Officer and the Number 10 Press Office – both of whom have stated that no such document(s) exists within their department.
16. The Cabinet Office has further stated that, if such a document existed, its existence would be known to these individuals.

The Complainant's position

17. The complainant believes that it is highly likely that such information exists. He has stated that such assessments would be needed to determine "who it would be more beneficial to brief out stories to" and that such assessments would "play a bread and butter role in managing a central government press office."
18. The Complainant has also highlighted a news article which suggested that such a document had previously existed.

The Commissioner's view

19. The Commissioner's view is that, on the balance of probabilities, the information is not held by the Cabinet Office.
20. She accepts that the two officeholders which the Cabinet Office has consulted would be aware of information of the nature that the complainant has requested – if it existed. In the absence of conclusive and recent evidence to the contrary, she therefore sees no reason to doubt their advice.
21. Indeed, the very purpose of such information – if it existed – would be for press officers to consult it regularly and be guided by it. If it does play a "bread and butter role" in running the Press Office – as the complainant suggests it would – its existence would be known, not just to the Head of the Press Office, but to most of the officers working within it too. Should the information be held in the manner that the complainant suggests, a detailed search would be unnecessary.
22. The Cabinet Office has stated that an outside PR agency supplies it with a database that contains contact information for a broad range of journalists. According to the publicly available information, this database does allow subscribers to conduct detailed searches to identify journalists who write about particular topics. However, the request specified that the information requested had to be have been "*produced by the press office of the Cabinet Office or the Prime Minister's Office.*"

Therefore the Commissioner does not consider such information to be within the scope of the request – even if it were “held” by the Cabinet Office.

23. Whilst the Commissioner agrees with the complainant to the extent that a central government press office *would* need some form of database of contact details for journalists, she does not agree that the database which the Cabinet Office *does* use is the information which the complainant has requested.
24. The Commissioner therefore concludes that, for the reasons given above, on the balance of probabilities, the Cabinet Office does not hold the requested information.

Right of appeal

25. 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: 0300 1234504
Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

26. 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.
27. 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

**Ben Tomes
Team Manager
Information Commissioner's Office
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Cheshire
SK9 5AF**