

Freedom of Information Act 2000 (FOIA)

Date: 12 April 2019

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

Decision (including any steps ordered)

1. The complainant submitted two requests to the Cabinet Office seeking information about the government's Gulf Strategy. The Cabinet Office responded by stating that it did not hold any information falling within the scope of either request. The Commissioner is satisfied that on the balance of probabilities the Cabinet Office does not hold any information falling within the scope of either request.

Request and response

First request¹

2. The complainant submitted the following request to the Cabinet Office on 14 August 2018:

'Under the Freedom of Information Act 2000, kindly disclose the full extent on the National Security Council's endorsed Gulf Strategy Unit, including the following:

1. *The objectives of the Gulf strategy;*
2. *Any programmes implemented to implement the Gulf Strategy;*

¹ Cabinet Office reference IR326722

3. Any reports that monitor the progress and impact of the strategic objectives.'

3. The Cabinet Office responded on 11 September 2018 and explained that it did not hold any information falling within the scope of this request. The Cabinet Office suggested that the FCO may be able to help her with her request.
4. The complainant contacted the Cabinet Office on 19 September 2018 and asked for an internal review of this decision. She argued that:

'The Cabinet Office claims that it has no records pertaining to the Gulf Strategy Unit. I find this difficult to accept since the Gulf Strategy Unit was established under the remit of the Cabinet Office until the start of financial year 2018-19. As a result, the Unit would have remained in the Cabinet Office for at least 2 years.

Furthermore, the Minister's response to parliamentary written question HL9807 indicates that the National Security Council (NSC) is "responsible for agreeing the Gulf Strategy". Given that the Gulf Strategy Unit mandate is to fulfil the objectives of the Gulf Strategy, I imagine that the NSC will receive the information pertinent to my FOI request. To my understanding, the Cabinet Office oversees the NSC, and therefore should possess the information relevant to my FOI request.'

5. The Cabinet Office responded on 20 November 2018. The internal review confirmed that no information falling within the scope of the request was held and by way of an explanation stated that:

'The Cabinet Office previously held responsibility for the Gulf Strategy Unit and so held the records for the unit. However, responsibility for the unit has since been moved to the Foreign and Commonwealth Office, along with all the records and information previously held by the Cabinet Office. This also includes the funding and management of the unit.'

Second request²

6. The complainant submitted the following request to the Cabinet Office on 24 September 2018:

'Further to Lord Ahmad of Wimbledon's Written Answer of 10 July 2018 (HL9042), I am writing to request information, under the Freedom of Information Act (2000), in relation to the Gulf Strategy's Delivery Board and recently established Gulf National Security Secretariat Implementation Group (NSSIG).

Kindly disclose:

- 1. The date upon which the Delivery Board ceased to exist;*
 - 2. The date upon which the NSSIG replaced the Delivery Board, and the rationale for this replacement;*
 - 3. The date upon which the NSSIG was created, and the rationale behind its creation;*
 - 4. The objectives of the NSSIG;*
 - 5. Whether the NSSIG has the same duties and responsibilities of the Delivery Board; and, if not, how the duties and responsibilities of the NSSIG differ from those of the Delivery Board.'*
7. The Cabinet Office responded on 22 October 2018 and explained that it did not hold any information falling within the scope of this request and again suggested that the complainant contact the FCO who may be able to assist her.
8. The complainant contacted the Cabinet Office on 24 October 2018 and asked for an internal review of this decision. She argued that:

'The Cabinet Office claims that it has no records pertaining to the Gulf Strategy Unit's Delivery Board nor the National Security Secretariat Implementation Group (NSSIG). I find this difficult to accept.

The Delivery Board was established under the remit of the Cabinet Office, presumably until the date it ceased to exist. Since the

² Cabinet Office reference [IR326910](#)

Integrated Activity Fund was only transferred to the Foreign and Commonwealth Office at the start of the financial year 2018-19, it seems unlikely that the FCO holds this information.

Furthermore, to my understanding, the National Security Secretariat served the National Security Council and is based in the Cabinet Office. Therefore, the Cabinet Office oversees the National Security Secretariat even if the FCO oversees the Integrated Activity Fund. Given the names of the NSSIG, it follows that the Cabinet Office will also oversee the NSSIG. As a result, I imagine that the Cabinet Office will receive or possess the information pertinent to my FOI request.'

9. The Cabinet Office responded on 20 November 2018. The internal review confirmed that no information falling within the scope of the request was held and provided a similar explanation as that provided in relation to request IR326722.

Scope of the case

10. A representative of the complainant contacted the Commissioner on 15 January 2019 in order to complain about the Cabinet Office's handling of both requests. He argued that the Cabinet Office was likely to hold information falling within the scope of the both requests for the reasons set out in the requests for internal reviews.

Reasons for decision

11. In cases such as this where there is some dispute as to whether information falling within the scope of the request is held, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
12. In other words, in order to determine such complaints the Commissioner must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request.
13. In applying this test the Commissioner will consider the scope, quality, thoroughness and results of the searches, or as in the circumstances of this complaint, other explanations offered as to why the information is not held.

The complainant's position

14. The complainant's rationale for believing that the Cabinet Office is likely to hold information falling within the scope of both of her requests is set

out above in the two quoted pieces of correspondence in which she asked for an internal review of each request to be conducted.

15. Furthermore, the complainant explained that she had, in light of the Cabinet Office's responses, resubmitted her requests to FCO. She explained that when it responded to the second request, the FCO noted that it did not hold all of the information falling within the scope of this request and '[you] may wish to contact the Cabinet Office which has responsibility for the National Security Council architecture in case it might have information relevant to your request.'

The Cabinet Office's position

16. As part of her investigation of this complaint, the Commissioner asked the Cabinet Office to respond to a number of points. For the purposes of this decision notice the Commissioner has replicated these questions and the Cabinet Office's responses.
17. Firstly, the Commissioner asked the Cabinet Office to provide her with some background information on the structure and relationship between the various bodies named in these requests, ie the Gulf Strategy Unit; the Gulf Strategy Unit Implementation Board, and the National Security Secretariat Implementation Group (NSSIG). The Commissioner also asked for clarification on the timeline for when responsibility for work in this area moved from the Cabinet Office to the FCO.
18. In response, the Cabinet Office explained that the Gulf Strategy Unit was first established in the Cabinet Office to lead on the implementation of the Gulf Strategy 2015-2020. Responsibilities included liaising with Whitehall departments to socialise the strategy and coordinate engagement between the UK and Gulf partners. The Unit also oversaw governance and administration of the Integrated Activity Fund (IAF) for projects in the Gulf. The Cabinet Office explained that the Unit evolved into the Integrated Delivery Team and was later re-located in January 2018 to the FCO to better integrate with country policy leads.
19. The Cabinet Office explained that after discussions with the FCO and National Security Secretariat (NSS), it had established that the Gulf Strategy Unit Implementation Board has never existed; however, it believed that the complainant may be referring to the Gulf Delivery Board. It explained that the Gulf Delivery Board was previously responsible for overseeing and prioritising the delivery of the integrated activity to meet the NSC strategy ambitions for the Gulf region including the allocation of the Integrated IAF. The Cabinet Office explained that it was chaired by the Deputy National Security Adviser. These functions were taken over by the Gulf & Iran NSSIG, under the chairmanship of the FCO Political Director, and its subordinate bodies. The Cabinet Office

explained that responsibility for it moved to the FCO at the end of March 2018 when the IAF was transferred as part of a machinery of government change.

20. Furthermore, the Cabinet Office explained that the NNSIG is supported by FCO officials. In January 2019, the Cabinet Office explained that the Gulf & Iran NSSIG was replaced by the Iran NNSIG. The Cabinet Office explained that the FCO retains the SRO role for the Gulf Strategy. The Gulf Delivery Board was replaced by a Gulf Strategy Working Group which is now the main senior cross Whitehall structure to drive forward NSC Gulf priorities. The Cabinet Office explained that its officials attend meetings and provide some secretariat support, if requested, from the FCO who lead on arrangements.
21. Secondly, the Commissioner asked the Cabinet Office to clarify the timeline for when responsibility for work in this area moved from the Cabinet Office to the FCO.
22. In response, the Cabinet Office explained that the Gulf Strategy Unit commenced as a business unit within the FCO on 22 January 2018, seven months before the complainant made her initial request to the Cabinet Office. The Cabinet Office explained that policy responsibility and all information, including that in the scope of the complainant's two requests, was transferred to the FCO on this date and is held only by the FCO. The Cabinet Office explained that the decision to move the Gulf Strategy Unit from the Cabinet Office to the FCO began in September 2017, and was completed in full, including the transferring of all documents and policy responsibility to the FCO by January 2018.
23. Thirdly, the Commissioner asked the Cabinet Office whether the National Security Council (NSC) receives information relevant to this request given that it oversees the Gulf Strategy and therefore whether the NSC would hold any information falling within the scope of the request.
24. In response, the Cabinet Office explained that the NSC did not receive information relevant to these requests and therefore it does not hold any information falling within the scope of the requests. The Cabinet Office explained that the only business unit that receives such information is the Gulf Strategy Unit, which sits within the FCO and has done for over a year. The Cabinet Office explained that the functions of the NSSIG were changed in January 2019; however, prior to that change NSC did attend NSSIG meetings and provided some secretariat support when asked by the FCO. However, the NSC does not hold any information in the scope of the requests. Policy responsibility for this area is solely owned by FCO; hence any material that may fall within the scope of the requests would be held within the FCO.

25. Fourthly, the Commissioner asked the Cabinet Office what searches it had undertaken for the requested information. In response, the Cabinet Office explained that it had not undertaken a search for information due to the fact that it could easily confirm that it did not hold any information falling within the scope of the requests. The Cabinet Office emphasised that it had repeatedly advised the complainant to contact the FCO who may be able to help since the Gulf Strategy Unit sits within the FCO.

The Commissioner's position

26. The Commissioner has considered the Cabinet Office's position and its submissions to her carefully. Having done so, she is satisfied that on the balance of probabilities it does not hold any information falling within the scope of either request. She has reached this decision given that responsibility for this area of work was transferred to the FCO in early 2018 and therefore some months prior to the complainant submitting either request. Moreover, the Commissioner notes that the Cabinet Office is clear that as a result of this transfer of policy responsibility, all relevant documents were also transferred. Furthermore, she notes that although the NSC may have been responsible for agreeing the Gulf Strategy, it does not receive information of the nature falling within the scope of either request. With regard to the FCO's response to these requests when the complainant submitted them to it, the Commissioner acknowledges that it did – for one part of them – direct the complainant back to the Cabinet Office and suggested that whilst it did not hold any information, the Cabinet Office may. However, the Commissioner does not consider such a statement by the FCO to be a basis upon which to genuinely doubt the Cabinet Office's position that it does not hold information falling within the scope of either request. In contrast, the Commissioner notes that in response to these requests the FCO did confirm to the complainant that it held information and either provided this to her or sought to withhold it on the basis of various exemptions. In the Commissioner's opinion, these responses by the FCO provide further support for the Cabinet Office's position that it does not hold information falling within the scope of either request, ie because such information, at least in part, is held by the FCO.

Right of appeal

27. 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

28. 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.
29. 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

Jonathan Slee
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