

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 July 2023

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

Decision (including any steps ordered)

1. The complainant submitted a request to the Cabinet Office for information relating to the accidental shooting down of Iran Air flight 655 by the USS Vincennes on 3 July 1988.
2. The Commissioner's decision is that, on the balance of probabilities, the Cabinet Office does not hold any information within the scope of the request and has therefore complied with section 1(1) of FOIA.
3. The Commissioner does not require further steps as a result of this decision notice.

Request and response

4. On 6 January 2023, the complainant wrote to the Cabinet Office and requested information in the following terms:

“I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

I am interested in documents relating to the accidental shooting down of Iran Air flight 655 by the USS Vincennes on the 3rd July 1988. The files I would be interested in would have likely been produced during July-Sept 1988.”

5. A response was provided on 3 February 2023, in which the Cabinet Office confirmed that the information was not held.
6. Upon receiving this response, the complainant requested an internal review on 5 February 2023, and on 4 April 2023, the Cabinet Office provided its internal review response, in which it upheld its original position.

Reasons for decision

Section 1 (Held/Not Held)

7. Section 1(1) of 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.

8. The Commissioner has sought to determine whether, on the balance of probabilities, the Cabinet Office holds the requested information.
9. In its internal review, the Cabinet Office confirmed that “reasonable searches were conducted in the most relevant files”.

10. In submissions to the Commissioner, the Cabinet Office explained that any potential information would be held in 'PREM 19' files for the relevant period, and that the Cabinet Office "does not hold a detailed and comprehensive record for the content of the files for this series".
11. It further explained that these files have either been transferred to The National Archives (TNA) or are held by the department.
12. Using search terms of 'Iran', 'Middle East' and 'US', the Cabinet Office searched the catalogue of TNA. It resulted in 11 results, eight of which are held by TNA, and three of which are held by the Cabinet Office.
13. It further explained that the Cabinet Office Archives Team searched through these three files and that "no information within scope of the request was identified".
14. The Cabinet Office confirmed that the remaining files are accessible to the complainant at TNA, a fact which it states the complainant is aware of, and of which it confirmed in its internal review.
15. The Commissioner notes the complainant's comments that the incident "is very significant in Iran-US relations" and therefore they "cannot believe that there is no record of any discussions in the Cabinet Office". However, no evidence has been provided showing this, and the Commissioner has to base his view on the balance of probabilities.
16. On the balance of probabilities, the Commissioner is satisfied that the Cabinet Office does not hold any information falling within scope of the complainant's request and that it has complied with section 1(1) of FOIA.

Right of appeal

17. 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

18. 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.
19. 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

Joanna Marshall
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Wycliffe House
Water Lane
Wilmslow
Cheshire
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