

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 8 December 2023

**Public Authority:** Cabinet Office

**Address:** 70 Whitehall  
London  
SW1A 2AS

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information relating to the Foreign Official Holdings of Sovereign Debt. The Cabinet Office's position is that the information is not held.
2. The Commissioner's decision is that, on the balance of probabilities, the Cabinet Office does not hold the requested information. The Commissioner does not require the Cabinet Office to take further steps.

#### **Request and response**

---

3. On 10 February 2022, the complainant made the following request for information to the Cabinet Office:
  - 1) "Does the Prime Minister/Cabinet/Cabinet Office have any complete or partial estimates of foreign official holdings (holdings by foreign governments and central banks) of British government and/or Bank of England debt?"
  - 2) Do you have any complete or partial estimates of British government and/or Bank of England debt owed to foreign Sovereign Wealth Funds (SWFs), e.g. Norway's Government Pension Fund?
  - 3) Do you have any complete or partial estimates of British government and/or Bank of England debt owed to other foreign State/Government-Owned Enterprises (SOEs/GOEs)?

- 4) Do you have any complete or partial information on the amounts owed to foreign governments etc. by country?

To be clear, if you only have a small amount of information on a small amount of the debt described above I will happily accept it; estimates do not have to be exhaustive if they are not available.

Please note that the terms I have used above ("foreign official holdings", "Sovereign Wealth Funds", "State-Owned Enterprises") are those used by the U.S. government and OECD; if you could explain the terminology used by the British government that would be helpful."

4. The Cabinet Office responded on 22 February 2022. It stated that following a search of its paper and electronic records, it did not hold the requested information.
5. The complainant wrote to the Cabinet Office on 24 February 2022, asking it to conduct an internal review.
6. The Cabinet Office provided the complainant with the outcome of its internal review on 15 June 2022, maintaining its original position.

### **Scope of the case**

---

7. The complainant contacted the Commissioner on 11 July 2022 to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to consider whether the Cabinet Office holds the requested information.

### **Reasons for decision**

---

#### **Section 1 – Information not held**

9. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
10. 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 First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.

11. In other words, in order to determine such complaints, the Commissioner must decide whether on the balance of probabilities a public authority holds any - or additional - information which falls within the scope of the request (or was held at the time of the request).
12. In this case, the Commissioner understands that the request relates to the debt the government owes to foreign governments, sovereign wealth funds, foreign state-owned enterprises, etc.
13. In response to the request, the Cabinet Office has stated it does not hold the information sought by the request, and that the relevant teams have undertaken searches to establish this. The Cabinet Office referred the complainant to HM Treasury as it considers that HM Treasury would be the central government policy lead for this type of information.
14. The complainant has challenged the Cabinet Office's position on the basis that it is not credible to suggest that the Prime Minister/Cabinet/Cabinet Office have no idea how much debt the government owes to foreign governments, sovereign wealth funds, foreign state-owned enterprises, etc.
15. The Cabinet Office has stated to the Commissioner that searches have been undertaken in relevant business areas to identify any held information that would fall within scope of the request. These searches included:
  - The Economic and Domestic Affairs Secretariat who provide support to the Prime Minister and the Cabinet Secretary to develop and coordinate policy across central government.
  - The Digital Knowledge and Information Management Team who manage the digital archive for the Cabinet Office.
  - No.10 who, as a department, receive advice and briefings relevant to government policy from across central government, including HM Treasury.
16. The Cabinet Office confirmed that all these teams conducted appropriate searches to ascertain whether the information was held within their systems, and all confirmed they did not hold any relevant information.
17. The Commissioner has considered the complainant's view and the Cabinet Office's position and accepts the Cabinet Office's reasoning for stating that it does not hold information within the scope of the request.

18. The Commissioner appreciates that the complainant may believe that the Cabinet Office should hold the requested information. However, FOIA is to do with transparency of information held by public authorities. It gives an individual the right to access recorded information held by public authorities at the time the request for that information is made. FOIA does not cover whether public authorities should hold information - it only provides access where information is held.
19. Ultimately, the Cabinet Office has confirmed that it has conducted appropriate searches and can find no information falling within the scope of the request. There is no evidence available to the Commissioner that suggests that these searches have been deficient or suggests that information must be held.
20. Therefore, the Commissioner is satisfied that, on the balance of probabilities, the Cabinet Office do not hold the requested information.

## **Other matters**

---

### Internal review request

21. The Commissioner notes that the time taken for the Cabinet Office to respond to the internal review request exceeded 40 working days.
22. As explained in the ICO's guidance<sup>1</sup>, internal reviews should usually be completed within 20 working days. However there may be circumstances where public authorities require more time to complete an internal review, for example to address complex issues, consult with third parties or consider substantial amounts of information.
23. In these circumstances, this should be no more than an additional 20 working days, unless there are legitimate reasons why a longer extension is necessary.

---

<sup>1</sup> [Request handling, Freedom of Information – Frequently Asked Questions | ICO](#)

## Right of appeal

---

24. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

25. 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.
26. 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 .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**