

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

### **Decision notice**

**Date:** 14 February 2024

**Public Authority:** Cabinet Office  
**Address:** 1 Horse Guards Road  
London  
SW1A 2HQ

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

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1. The complainant requested copies of correspondence sent between three different parties. The Cabinet Office responded that no information was held.
2. The Commissioner's decision is that, on the balance of probabilities, the requested information is not held by the Cabinet Office.
3. The Commissioner does not require any steps.

#### **Request and response**

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4. On 23 June 2022 the complainant made the following information request:  
  
"1) Please provide a copy of all departmental email correspondence between (to and from) David Canzini and  
  
-Lynton Crosby  
  
-Staff of CT partners  
  
From 1<sup>st</sup> February to date.

Please include any correspondence in which Canzini and Crosby or Canzini and CT partners staff are both included in the recipients list.

2) Please list the number of instant messages or private, non-departmental emails between Canzini and

-Lynton Crosby

-Staff of CT partners

From 1<sup>st</sup> February to date concerning government business.”

5. The Cabinet Office responded on 22 July 2022 stating it did not hold any information falling within the scope of the request.
6. The complainant requested an internal review on 25 July 2022 and the Cabinet Office responded on 16 September 2022 upholding its initial response.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 26 September 2022 dissatisfied with the Cabinet Office’s response.
8. The scope of the case is for the Commissioner to determine whether the Cabinet Office holds any information falling within the scope of the request.

### **Reasons for decision**

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#### **Section 1 of the FOIA – information held / not held**

9. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to them.
10. Where there is some dispute between the amount of information identified 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 decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).

11. The Cabinet Office has responded to the Commissioner's enquiries explaining that Mr Canzini was contacted on 8 July 2022 – at which time he was Downing Street Deputy Chief of Staff - to confirm whether he held any information within the scope of the request. He responded on 20 July 2022 confirming to the Cabinet Office that he held no such information. It determined that as he was the subject of the request, then he would be the most appropriate person to approach for any information.
12. The Cabinet Office has told the Commissioner that as Mr Canzini no longer works for the Cabinet Office, it has been unable to enquire what searches he carried out himself and is unable to respond further on this, but he would have had first hand knowledge as to whether he had corresponded or not in a way relevant to the request.
13. It also told the Commissioner that it made its own searches of its official record using the search terms 'CT partners' and 'Lynton Crosby' for the specified period, however no information falling within the scope of the request was found to be held.
14. The Cabinet Office has clarified to the Commissioner that the official record is the record of documents, including emails, maintained by the Prime Minister's Office which ultimately shows the work and decisions undertaken in the Prime Minister's Office. The official record is referenced in the Cabinet Manual<sup>1</sup> at paragraphs 11.2 and 11.6-11.10.
15. On consideration of the searches carried out, with David Canzini being directly approached about whether relevant information was held and the Cabinet Office having searched its official record, the Commissioner is satisfied that reasonable and appropriate searches have been conducted.
16. On this basis, the Commissioner has found that, on the balance of probabilities, the Cabinet Office does not hold any information falling within the scope of the request.

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<https://assets.publishing.service.gov.uk/media/5a79d5d7e5274a18ba50f2b6/cabinet-manual.pdf>

## Right of appeal

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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: 0300 1234504

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)

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 .....**

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