

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 November 2024

Public Authority: Ministry of Housing, Communities and Local Government

Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant requested information from the Department for Levelling Up, Housing and Communities (DLUHC), now the Ministry of Housing, Communities and Local Government (MHCLG), relating to Michael Gove and hospitality tickets provided by a specific individual.
2. The Commissioner's decision is that on the balance of probabilities the MHCLG does not hold information within the scope of the request.
3. The Commissioner does not require the MHCLG to take any steps.

Request and response

4. On 13 March 2024, the complainant wrote to the DLUHC and requested information in the following terms:

"I am sending this request under the Freedom of Information Act.

Please provide a copy of all correspondence between

- Michael Gove
- His private office

And

- David Meller
- His private office
- His companies

Relating to hospitality tickets provided by Meller to Gove for football matches from 1st January 2021 to the date of this request.”

5. The DLUHC responded on 15 May 2024 and refused to comply with the request citing section 12 (cost limit) as its basis for doing so.
6. On 16 May 2024, the complainant made the following refined request:
“I am happy to limit my request to correspondence that includes the keyword Meller.”
7. On 28 June 2024, the DLUHC responded to the complainant’s refined request for information dated 16 May 2024. It denied holding information within the scope of the request.

Scope of the case

8. The complainant contacted the Commissioner on 3 July 2024 to complain about the DLUHC’s handling of their refined request for information. Specifically, they stated that they do not believe the DLUHC to have conducted reasonable searches for information within the scope of the request.
9. Therefore, in this notice the Commissioner will consider whether the MHCLG is correct when it says that it does not hold information within the scope of the complainant’s refined request for information dated 16 May 2024.

Reasons for decision

The MHCLG’s position

10. In its submissions to the Commissioner the MHCLG explained the searches it has undertaken for information within the scope of the request. It stated that it has conducted searches of its correspondence management system (eCase) and the mailbox of Michael Gove’s Private Office using the keyword specified in the request. However, these searches did not locate any information within the scope of the request.

11. The MHCLG explained that it has also searched Michael Gove's personal departmental email account using the keyword specified in the request. However, no information within the scope of the request was located. It confirmed that Michael Gove was not issued with a departmental mobile phone.
12. The MHCLG acknowledged that its eCase correspondence management system was only brought in on 2 October 2023. However, it explained that when the previous case management system was decommissioned, any information held on the system was either transferred to eCase or deleted. Therefore, it stated that if information within the scope of the request was held on the previous case management system, if that information was still held, it would now be held on eCase and would have been located by its search of that system.
13. The MHCLG stated that information within the scope of the request would not be held as paper records. It explained that the majority of its correspondence is conducted electronically. If correspondence within the scope of the request had been received as physical letters, that correspondence would have been scanned onto eCase and subsequently located by its searches of that system.
14. The MHCLG stated that it has not conducted searches of non-corporate communication channels, such as Michael Gove's private email account or WhatsApp account, for information within the scope of the request. It explained that when a minister leaves office, they must return any government information, papers or documents they hold, including information held in non-corporate communication channels, to the relevant government department. Therefore, the MHCLG stated that when Michael Gove left office, if he held any information within the scope of the request in non-corporate communication channels, that information would have been returned to MHCLG and subsequently located by it through the searches outlined above.

The Commissioner's position

15. Based on the explanations provided by the MHCLG the Commissioner is satisfied that the MHCLG has carried out reasonable searches for information within the scope of the request. He notes that when conducting its searches the MHCLG used the keyword specified in the request. He considers that this was a relevant and appropriate search term.
16. The Commissioner is satisfied that the MHCLG has considered whether it holds information within the scope of the request in non-corporate communication channels. The Commissioner is aware that during the course of his investigation, the MHCLG carried out a search of its eCase

correspondence management system for information within the scope of the request. As the MHCLG has confirmed that Michael Gove would have returned any information he held to the MHCLG when he left office, including any information held in non-corporate communication channels, the Commissioner considers that the searches would have on the balance of probabilities located any information held within the scope of the request.

17. Therefore, the Commissioner is satisfied that the MHCLG has taken sufficient steps to identify all the information it holds that falls within the scope of the request. His decision is that on the balance of probabilities, the MHCLG does not hold information within the scope of the request.

Right of appeal

18. 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

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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