

## Confidential Annex

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### The Cabinet Office's position

1. The Cabinet Office argues that this information represents personal data because it was installed and used whilst the office was inhabited by the then Chief of Staff. Whilst that individual was not involved in the selection or procurement of the wardrobe, the Cabinet Office argues that the wardrobe is nonetheless connected to them, and its disclosure would have an impact upon the individual by determining or influencing the way they are treated.
2. The Cabinet Office has referred the Commissioner to his guidance on the meaning of 'relates to' when deciding whether information is personal data<sup>1</sup>. The guidance gives specific examples to illustrate when information can become personal data by their biographical connection to an individual. These examples include that of call logs for a specific desk (which identify when an employee allocated that desk was using it, and therefore reveal their attendance and performance), and house value (when used to provide particular information, or make a deliberation or decision, about the resident).
3. The Cabinet Office also argues that the wider context – and specifically media articles connecting the then Chief of Staff to the wardrobe – means that the disclosure of the information would negatively impact upon the individual.

### The Commissioner's view

4. The Commissioner understands that the wardrobe was purchased by the Cabinet Office for use on its estate. The Commissioner also notes that the Cabinet Office has specifically confirmed that the then Chief of Staff was not involved in the selection or procurement of the wardrobe.
5. Whilst the Commissioner accepts that the wardrobe was installed during the then Chief of Staff's use of the office, the Commissioner does not consider that this is sufficiently connected to that individual in the same way as the examples given in paragraph 2 of this Confidential Annex. The Commissioner's guidance emphasises that context is the relevant factor that must be considered. In this case, the individual had no involvement in the selection or purchase of the wardrobe, and its

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<sup>1</sup> "What is the meaning of 'relates to'": <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/personal-information-what-is-it/what-is-personal-data/what-is-the-meaning-of-relates-to/>

installation in the office provides no more biographical detail about the individual other than that they were based in a government office that was furnished with a wardrobe. The Commissioner does not consider that this is equivalent to the examples in which he gives in his guidance, where the information reveals specific detail that would directly impact upon an individual in a tangible way, such as by revealing their work performance or personal finances.

6. The Commissioner's guidance explains that:

"Data can contain references to an identifiable individual, or be linked to them, but not 'relate to' them as it is not about that individual but is about another topic entirely. Depending on the circumstances, this data may or may not be personal data."

7. In the circumstances of this case, the Commissioner considers that the information relates to another topic, namely the Cabinet Office's management of its estate and the furnishing of its offices.
8. Whilst the Commissioner accepts that the subject matter has been subject to media interest (as referred to in the request), and which the Cabinet Office states is incorrect in its understanding of the matter, the Commissioner does not consider that this changes the reasoning that must be applied in this case as to whether the information is personal data.