

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 November 2011

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

Decision

1. The Commissioner's decision is that, on the balance of probabilities, the Cabinet Office does not hold the requested information.
2. The Commissioner requires the public authority to take no further steps to ensure compliance with the legislation.

Request and response

3. On 16 November 2010, the complainant wrote to the Cabinet Office and requested information in the following terms:

'To whom it may concern, I wish to make a Freedom of Information request for copies of any minute, correspondence, communications or any other information which is held by the Cabinet Office regarding the wedding of Prince William.

This material might come from meetings, discussions or conversations whether in person, by phone, letter, fax or email with HRH, his representatives, Miss Middleton, her family or any other agents.

Additionally, the same material from any similar contact, in whatever form, with any government department or any other body or individual.'
4. This request was made by the complainant on the same date that the engagement of HRH Prince William to Kate Middleton was announced by Clarence House. The Cabinet Office responded on 13 December 2010. It stated that it did not hold any information relevant to the complainant's request.

5. Following an internal review, requested on 20 December 2010, the Cabinet Office wrote to the complainant on 21 January 2011. It stated that the response it provided in its initial refusal notice was correct; it did not hold the requested information.
6. It explained that it had searched only those parts of the Cabinet Office which were likely to hold relevant information, namely the Prime Minister's Office and the Cabinet Secretary's Office. No relevant information was found in either office. It further stated that it was unaware of any other public authorities which may hold the requested information.

Scope of the case

7. On 9 February 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled. He considered that the Cabinet Office did hold information relevant to his request. He further explained that he had received confirmation from the Metropolitan Police Service (MPS) that they hold information related to his request.
8. The Commissioner considers the scope of this investigation to be whether or not the Cabinet Office were correct to state that they do not hold the requested information.

Reasons for decision

9. 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."
10. Public authorities are under a duty to confirm to a requestor whether or not it holds the requested information and if it does, to provide it to the requestor unless it can rely on one of the Act's exemptions.
11. In determining whether a public authority holds requested information, the Commissioner applies the civil standard of proof, that is, whether the information is or is not held on the balance of probabilities.

12. In deciding where the balance of probabilities lies, the Commissioner will consider the searches carried out by the public authority, in terms of the extent of the searches, the quality of the searches, their thoroughness and results the searches yielded. He will also consider any other information or explanation offered by the public authority which is relevant to his determination.
13. The Cabinet Office has explained that it and the Prime Minister's Office, which falls under the remit of the Cabinet Office, maintain separate record management systems. A search for the requested information was carried out of the correspondence databases of each office. It also requested that all officials who may hold relevant information search their individual records. The Cabinet Office has confirmed that the only method of recording correspondence would be on its electronic systems and it confirmed that none of the relevant officials had any recollection of having received correspondence falling within the scope of this request.
14. The Cabinet Office has confirmed that, when conducting the electronic searches, its search included relevant sections of the databases, such as those which would hold information on Royal matters. It has also confirmed that it performed a search of the whole database using key terms picked out from the complainant's request. It further searched under terms which would be clearly connected, such as 'Middleton', and for the names of any likely correspondents, such as staff of the Royal Household.
15. Following the complainant's and the Commissioner's prompting, it also performed searches using key terms relevant to the MPS. It has confirmed that this search did not retrieve any information within the scope of the request either. It also asked its Press Office, Constitution Unit and National Security Secretariat to search for relevant documents. The Cabinet Office has confirmed that all pertinent parts of the organisation have been searched and it does not hold information relevant to the complainant's request.
16. The Commissioner accepts that the most relevant parts of the Cabinet Office were searched to locate information relevant to the complainant's request. He considers the search terms used to be those most likely to retrieve any relevant information, given their direct relationship to the complainant's request. He also considers that it was appropriate to use the clearly related search terms, e.g. Middleton, and to search under the names of likely correspondents.
17. The Commissioner considers that: the correct parts of the Cabinet Office were searched; the search terms most likely to locate relevant information were used; and, further appropriate searches were performed. He accepts that these searches did not yield any relevant

information. Therefore, the Commissioner accepts that, on the balance of probabilities, the Cabinet Office did not hold any relevant information at the date of the complainant's 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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.

Signed

Graham Smith
Deputy Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF