

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 January 2017

Public Authority: The British Museum
Address: Great Russell Street
London
WC1B 3DG

Complainant:

Address:

Decision (including any steps ordered)

1. The complainant has requested information from the British Museum (the Museum) in relation to two meetings that took place in February 2015 involving BP. The Museum disclosed the requested information with some personal data redacted under section 40 of the FOIA.
2. The complainant's concerns focussed on whether further recorded information was held, as he felt he had reason to doubt the Museum's response.
3. The Commissioner is satisfied that on the balance of probabilities the Museum does not hold any further recorded information to that already provided. She therefore does not require any further action to be taken.

Request and response

4. On 18 January 2016, the complainant wrote to the Museum and requested information in the following terms:

"1) Were members of staff from the British Museum invited to attend a 3-hour "Security Session" on the 12th February 2015, hosted by BP at the company's offices? If so, please disclose copies of any relevant

correspondence between BP and the British Museum in relation to this session.

2) Were members of staff from the British Museum invited to attend a meeting with BP's Security Team at BP's offices in St. James's Square London on Tuesday 3rd February 2015? Did any members of British Museum staff attend this meeting and if so, please indicate how many and the role(s) of those staff members that attended? Please also disclose copies of any relevant correspondence between BP and the British Museum in relation to this meeting.

3) Have any members of BP's security team or personnel had any involvement in the management of, or been present at, events taking place at the British Museum in 2013-15?

4) The British Museum Security Department received information from BP relating to potential protests at the Museum in the period 2012 to 2015 but did not record when and how this information was communicated or the event or concern it was in relation to.

Given that it is not known when and how the communication of information was made, I request that a clarification is made as to how it was ascertained that BP had communicated information to the British Museum in relation to the management of protests at the museum."

(Question four of this request has already been addressed in the Commissioner's decision notice of 29 June 2016 under case reference FS50624915. It is therefore excluded from this additional investigation.)

5. The Museum responded on 15 February 2016. In relation to question one, the Museum confirmed that members of staff were invited to this meeting and attached a copy of correspondence it holds between BP and the Museum, with some personal data redacted under section 40 of the FOIA. Concerning question two, the Museum informed the complainant that two members of staff attended the meeting of 3rd February 2015 and provided the job titles of both. In relation to this meeting, it confirmed that no correspondence between BP and the Museum is held. Regarding question three, the Museum advised the complainant that there has been a significant number of events during the dates specified and does not necessarily record information about individual attendees and in particular their employment.
6. The complainant requested an internal review on 18 February 2016.
7. The Museum carried out an internal review and notified the complainant of its findings of 22 March 2016. In relation to questions one to three of the request, it confirmed that it holds no further recorded information to that already provided.

Scope of the case

8. The complainant contacted the Commissioner on 16 June 2016 to complain about the way his request for information had been handled. He raised concerns about the Museum's records management and stated that he has reason to believe it holds further recorded information falling within the scope of his request. He stated that he also wished the Commissioner to review the application of section 40 of the FOIA to the first two redactions of an email disclosed by the Museum dated 12 February 2015.
9. During the Commissioner's investigation the complainant's concerns with the application of section 40 of the FOIA to the first two redactions of an email dated 12 February 2015 were abandoned. The complainant was satisfied for the Commissioner to review these redactions and give her judgement on the application of section 40 of the FOIA. The Commissioner explained that the redactions made constituted the personal data of junior staff and so she felt disclosure would be unfair. The complainant was happy to accept this assessment and withdraw this element of his complaint.
10. The remainder of this notice will therefore focus solely on whether, on the balance of probabilities, the Museum holds any further recorded information to that already identified falling within the scope of questions one to three of the request.

Reasons for decision

Is further recorded information held?

11. The complainant explained how he had made very similar if not the same request to other cultural institutions and had received conflicting responses suggesting therefore that further recorded information may be held and insufficient searches undertaken. In particular, the complainant confirmed that he has received a copy of an agenda item from another public authority that he understands was circulated to all attendees for the meeting of 3rd February 2015 – the Museum included. Yet when responding to his request the Museum stated that it does not hold this information. The complainant also felt that due to the nature of the meetings in question it was reasonable to assume that further correspondence would exist.
12. The Commissioner asked the Museum to carry out fresh searches and to make detailed enquiries to the members of staff that attended the meetings named in the request. The Museum complied and confirmed

again that it is satisfied that no further recorded information is held. It explained that relevant members of staff had searched their records thoroughly to identify whether any further recorded information is held and it is not. None of the attendees recall receiving or sending any correspondence relating to these meetings or of anyone at the meeting whether from the Museum or another organisation taking notes.

13. The Museum explained further that information relating to such events, if created at all, is generally considered routine administrative correspondence that is not retained for any length of time after the event has taken place. The Museum confirmed that there is no business reason, legal or operational requirement to retain such information. It also commented that the events took place almost 12 months prior to the request and even if routine administrative information did exist (and it cannot confirm one way or another as it does not know) it would not have been retained after events had taken place for this length of time.
14. With regards to the agenda item, the Commissioner drew the Museum's attention to the existence of this document and the complainant's assertion that it was circulated to all attendees of the meeting of 3rd February 2015. The Museum advised that it has searched its records twice and contacted the relevant members of staff about the agenda item but no record of this information can be found. The relevant members of staff also confirmed that they do not have any recollection of receiving this information.
15. Again, the Museum explained that if such information had been received at the time (and again it cannot say one way or another) it would not have been retained after the event and certainly not for a period of almost 12 months (the time between the meeting and the complainant's request), as such information is considered routine administrative correspondence and would have been deleted or destroyed.
16. The Museum also stated that it holds no records of what was discussed at the two meetings and the relevant members of staff confirmed that they do not recall any notes being taken. No correspondence was circulated within the Museum and/or with BP after the events either. It commented that the fact that no recorded information is held may indicate that the content of these events was not specific to the Museum or contained no new information. The Museum also advised that the meeting of 12th February 2015 was presented by the National Counter Terrorism Security Office and not BP so there would appear no reason why any information would necessarily have been shared with BP.
17. In relation to question three of the complainant's request, the Museum clarified that its forthcoming, current and previous contractual agreements with BP for sponsorship of British Museum exhibitions do

not include any provision for any direct involvement by BP in the management of events. Therefore suggesting, in the Commissioner's opinion, that the answer to the question asked in this element of the request is no. She is therefore satisfied that the Museum was correct to say that it does not hold any recorded information.

18. The Commissioner is satisfied that on the balance of probabilities the Museum does not hold any further recorded information falling within the scope of the complainant's request. She is satisfied that the Museum has carried out sufficient searches of its records and made the necessary enquiries to the staff members that attended the two meetings. She has no reason to doubt the Museum's position. It has explained its position with regards to the agenda item and this appears reasonable. The Museum does not recall ever receiving it and does not now hold a copy. If it did hold this information at the time of the event it is more than likely that it was deleted or destroyed shortly afterwards because there was no business, legal or operational need to keep it.
19. For the reasons explained above, the Commissioner does not require any further action to be taken.

Other matters

20. The complainant considers there is a trend developing of cultural institutions failing to record or retain information relating to its dealings with BP. The Commissioner has therefore agreed to remind the Museum of the requirements of the section 46 code of practice on records management and to suggest that it ensures its current record keeping practices are satisfactory.

Right of appeal

21. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

22. 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.
23. 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

Samantha Coward
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