

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 April 2023

Public Authority: Department for Transport
Address: Great Minster House
33 Horseferry Road
London SW1P 4DR

Decision (including any steps ordered)

1. The complainant requested information associated with Sir Paul Channon and the Lockerbie bombing. The position of the Department for Transport (DfT) is that it does not hold the information.
2. The Commissioner's decision is that, on the balance of probabilities, DfT does not hold the requested information and has complied with section 1(1)(a) of FOIA. It is not necessary for DfT to take any corrective steps.

Request and response

3. The complainant made the following information request to DfT on 30 December 2022:

"I understand that around March 1989 Sir Paul Channon, then Transport Secretary, had a meeting with several journalists at the Garrick Club where it was claimed he discussed the PA 103 bombing of 21st Dec 1988. I would like all documents and internal correspondence concerning the meeting and the resulting publication of what was claimed to have been said to be released to me. The time period covered would be March-May 1989."
4. DfT's final position was that it does not hold any relevant information.

Reasons for decision

5. This reasoning focusses on whether, on the balance of probabilities, DfT holds information within scope of the complainant's request.
6. Under section 1(1) of FOIA a public authority must (a) confirm whether it holds information an applicant has requested and (b) communicate the information if it is held and is not exempt from disclosure.
7. In their request for an internal review, the complainant expressed surprise that no records exist of such a significant event in DfT's history. They noted that it had been referred to in Cabinet meetings during that week [in 1989], raised in parliamentary debate and even cited as one reason why Sir Paul Channon was removed from the Cabinet in July 1989.
8. The complainant sent DfT a 1989 article from the Guardian newspaper that reported what was apparently said at the Garrick Club meeting.
9. In its internal review response, DfT advised the complainant that it had carried out electronic searches using the key search term "Garrick Club". DfT said it had searched locations that could reasonably contain information about the meeting the complainant had outlined within their request. These searches had returned no results.
10. A review of DfT's archive for physical documents about the Lockerbie incident identified files covering the specified time period that could have potentially contained documents relating to this meeting.
11. DfT said it had reviewed these files for documents containing the key word "Garrick Club". It did not find any information that fell in scope of the request. Moreover, DfT said, it was unclear if the meeting was held in a Ministerial capacity. Ordinarily, only a meeting held in a Ministerial capacity would result in a briefing being produced beforehand. A search of DfT's records had yielded no such briefing on this subject matter. DfT advised that, consequently, it assumed that the meeting was not held in a Ministerial capacity.
12. In its submission to the Commissioner, DfT has provided more detail about the searches it undertook, as follows:

"We requested a full list of paper folders/files held by our Knowledge and Information Management Team related to the Lockerbie incident. We then identified any folders/files which we could reasonably assume might contain documents related to the purported meeting (those that were open during, or created, or closed within the time period covered

by the request). These files were then manually reviewed by an official for any documents referencing 'Garrick Club'.

In addition, the Knowledge and Information Management Team indicated that a number of electronic files may be held on the old DfT electronic drives though this would have been unlikely to be the case for documents produced in 1989 as they would have been on paper. Through discussions with seniors, we identified the relevant electronic folders on the older file drives which may contain Aviation Security related material and conducted thorough electronic searches of these files for the term 'Garrick Club'.

We have made a number of assumptions for this process – normally, the Civil Service would provide a background / briefing for Ministerial meetings, and it is conventional to provide date / location of a meeting in such briefings. It was therefore assumed that any relevant files would contain the location 'Garrick Club'. Given that the event is believed to have taken place over 30 years ago, we assumed that any potential information related to this would not have been handled recently and pre-dated the routine use of email within the Department – and indeed discussion with seniors did not indicate any knowledge of these documents. As such, it is reasonable to assume that current DfT drives would not contain this information as briefing for Ministerial meetings would not be transferred over to new IT systems or personal computers several decades after the meetings took place.”

13. DfT also confirmed that:

- If held at all, the information would most likely be held as physical paper copies given the event took place over 30 years ago.
- It is unclear if this meeting ever took place, and if it did, whether it was held in a Ministerial capacity and as such whether the Civil Service would have ever produced any information related to it.
- The current Aviation Security team has no knowledge of relevant information ever existing.

14. Finally, DfT said:

“There is no specific DfT policy regarding Ministerial meeting notes, however it would be expected that these types of documents fall under the policy development retention period. DfT policy states for policy development records they are retained for 20 years, after which they are reviewed for deletion or to be sent to the National Archives. The documents may also be retained if the Advisory Council on National Records and Archives gives approval to keep the records if they continue to serve an operational purpose.

Given we cannot find a record of this meeting taking place in an official capacity, it is unlikely a note was taken and therefore unlikely to have been retained under the DfT's retention policies. Additionally, based on the retention policies being a maximum of 20 years, unless it is required for operational purposes, the Department would not have retained any such note."

15. The Commissioner considers that DfT has carried out appropriate and adequate searches for information within scope of the request. It has consulted relevant teams and searched relevant possible locations but has not identified any information within scope. DfT says it has no record of the meeting in question ever having taken place in an official capacity. If it had ever held any minutes from this meeting, DfT says it is likely they would have either been destroyed after 20 years or sent to the National Archives. However, as noted, DfT says it has not identified any information at all that is relevant to the request.
16. Having considered all the circumstances the Commissioner is satisfied that, on the balance of probabilities, DfT does not hold the information the complainant has requested, and it has complied with section 1(1)(a) of FOIA.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF