

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 21 July 2011

Public Authority: Home Office
Address: Peel Building
2 Marsham Street
London
SW1P 4DF

Summary

The complainant requested any information held by the Home Office about the wedding of Prince William. The Home Office stated that it did not hold the requested information. The Commissioner found that the Home Office did not hold the information and correctly cited section 1(1)(a) of the Freedom of Information Act 2000.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. On 16 November 2010 the complainant made the following request to the Home Office:
'I wish to submit a Freedom of Information request for copies of any minutes, correspondence, communications or any other information which is held by the Home Office regarding the wedding of Prince William'.
3. On 14 December 2010 the Home Office wrote to the complainant and informed him that it did not hold the information within the scope of the request.

4. On 20 December 2010 the complainant requested an internal review of the decision.
5. On 19 January 2011 the Home Office concluded its internal review and informed the complainant that it was satisfied that it did not hold the information within the scope of the request and that it had correctly applied section (1)(a) of the Act.

The Investigation

Scope of the case

6. On 10 February 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled.

Chronology

7. On 24 May 2011 the Commissioner wrote to the complainant to ask him for further details of his complaint.
8. On 24 May 2011 the Commissioner also wrote to the Home Office to request that it provide additional detail of its handling of the request.
9. Following the response from both the complainant and the Home Office the Commissioner focussed the scope of his investigation on whether or not, on the balance of probabilities, the Home Office did hold the requested information and was therefore correct to cite section 1(1)(a) of the Act.

Analysis

Substantive Procedural Matters

Section 1 – General right of access to information held by public authorities

10. Section 1(1) of the Act provides 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 the information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.'

11. The Commissioner notes the request, which was made on 16 November 2010, as being for:

'...copies of any minutes, correspondence, communications or any other information which is held by the Home Office regarding the wedding of Prince William'.

12. The Home Office told the Commissioner that it had conducted searches of its records to establish what, if any, information was held by it within the scope of the request at the time when it was made. It told the Commissioner that it had started with those departments that it recognised would be most likely to hold information within the scope of the request. It considered that the subject of the information being so recent and high profile would assist in its search. It told the Commissioner that, as the subject of the request was very much a live issue, it also considered that it would be highly unlikely that any department or individual within the Home Office that would hold information would not be aware of it.
13. The Home Office told the Commissioner that it had conducted searches of all its paper and electronic records as well as email accounts in the identified areas, and that nothing had been found. This search was further repeated at the internal review stage of the handling of the request which also included an additional search of the central Home Office electronic record management system, and again nothing was found.
14. The Home Office told the Commissioner that, having conducted the searches as described, it came to the conclusion that no information was held that fell within the scope of the request.
15. The complainant told the Commissioner that he believed that it was reasonable to assume that the Home Office held information within the scope of his request as it was responsible for police and national security. He also told the Commissioner that he believed that, given the role of the Home Office, it was reasonable to assume that it would have been consulted about the wedding of Prince William prior to his request being made.
16. The Commissioner has considered whether, on the balance of probabilities, the Home Office held information within the scope of the request at the time the request was submitted.
17. The Commissioner notes that the announcement of the date of the wedding of Prince William was made on 16 November 2010.

18. The request was submitted by the complainant to the Home Office on 16 November 2010.
19. The Commissioner notes that the request for information was made on the same day as the announcement of the wedding date. The Commissioner has also taken into account the Home Office description of its searches for the information and its arguments put forward to him. Taking all of this into account the Commissioner is satisfied that on the balance of probabilities the Home Office did not hold any relevant information at the time of the request. Accordingly, the Home Office correctly applied section 1(1)(a) of the Act.

The Decision

20. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps Required

21. The Commissioner requires no steps to be taken.

Right of Appeal

22. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

23. 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.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 21st day of July 2011

Signed

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

Legal Annex

General Right of Access

Section 1(1) provides 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."

Section 2(3) provides that –

"For the purposes of this section, the following provisions of Part II (and no others) are to be regarded as conferring absolute exemption –

- (a) section 21
- (b) section 23
- (c) section 32
- (d) section 34
- (e) section 36 so far as relating to information held by the House of Commons or the House of Lords
- (f) in section 40 –
 - (i) subsection (1), and
 - (ii) subsection (2) so far as relating to cases where the first condition referred to in that subsection is satisfied by virtue of subsection (3)(a)(i) or (b) of that section,
 - (iii) section 41, and
 - (iv) section 44"