

**Freedom of Information Act 2000 (FOIA)**  
**Environmental Information Regulations 2004 (EIR)**  
**Decision notice**

**Date:** 16 January 2013

**Public Authority:** Department of Health  
**Address:** Room 317  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

**Decision (including any steps ordered)**

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1. The complainant requested details of meetings and correspondence between the Department of Health (DH) and Diageo or its PR company.
2. The Commissioner's decision is that the information is not held by the public authority. No further steps are required.

**Request and response**

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3. On 12 March 2012 the complainant requested the following information from the DH:  
  
*"... details of meetings (agendas, government briefing papers, minutes) and correspondence (letters, emails) between ministers and/or senior executives responsible for alcohol policy and senior executives from Diageo or its PR company Edelman from 1 May 2010 until today."*
4. On 12 April 2012 the DH provided details of meetings and copies of correspondence which it considered were related to the request. The names of some individuals were redacted from the information under s40 FOIA.

5. On 16 April 2012 the complainant appealed against the redaction of the information. The DH's internal review of 8 May 2012 upheld its decision to exempt the names from disclosure under s40 FOIA.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 9 May 2012 to complain about the way his request for information had been handled by the DH.

### **Reasons for decision**

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7. The Commissioner's investigation found that the information that had been redacted by the DH comprised the minutes of meetings of Public Health Responsibility Deal Alcohol Network groups. The attendees of these meetings had been drawn from multiple organisations across the breadth of the UK's beverage industry, from public services and from academic establishments.
8. The minutes were not those of meetings between the DH & Diageo/Edelman which the complainant had requested.
9. The Commissioner asked the DH to clarify whether or not it held the information that was requested.
10. The DH re-checked its records and informed the Commissioner that it did not hold any information between DH and Diageo/ Edelman within the time frame of the request.
11. The Commissioner asked the DH to provide responses to further search and retention inquiries. He asked:
  - a. What searches were carried out for the information falling within the scope of the request.
  - b. If searches included electronic data, to detail which search terms were used.
  - c. If searches included electronic data, to explain whether the search included or needed to include information held locally on personal computers used by key officials and on networked resources and emails.
  - d. If other members of staff were consulted, to list them and (if not obvious) explain why they would be likely to know whether relevant information was held.
  - e. Whether the public authority had ever held this information.

- i. If so had the information been destroyed or deleted.
  - ii. If destroyed or deleted whether there was any audit trail of that. For instance, whether the information had been destroyed in line with an established records retention schedule
12. From the department's responses the Commissioner is satisfied that the DH does not hold and has never held the information that was requested.
13. The Commissioner informed the complainant that his investigation had found that the requested information was not held by the DH. The complainant said he did not accept the Commissioner's findings and asked him to issue a decision notice.

## Right of appeal

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14. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

15. 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.
16. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**