

1 October 2010

Phillip Main  
[request-10459-bddec1f2@whatdotheyknow.com](mailto:request-10459-bddec1f2@whatdotheyknow.com)  
(by email only)

*Dear Mr Main,*

### **REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000**

Thank you for your email of 24 May 2009. You asked for an internal review of the response of the Prime Minister's Office to your request for information of 15 May 2009. In your original requests you asked for information concerning BT, Phorm and EU action against the UK.

First, I am very sorry for the unacceptable delay in replying. We should have responded well before now and I can only apologise that we did not do so.

The Prime Minister's Office is part of the Cabinet Office and I have carefully reviewed their handling of your request. Having fully reconsidered this case I have concluded that I should uphold the decision given to you in our letter of 15 May 2009 that the cost of complying with two of your requests would have exceeded the statutory cost limits.

It may be helpful if I explain that the Freedom of Information Act provides that, for the purposes of estimating the costs of compliance, public authorities may aggregate requests where two or more requests "relate, to any extent, to the same or similar information." This provision prevents applicants circumventing the cost limits by artificially dividing a single request into smaller components. One of your requests asked for information about meetings between the Prime Minister's Office and BT and another asked for information about meetings between the Prime Minister's Office and Phorm. Both asked for this information in relation to an enterprise in which Phorm and BT were partners. In both cases you asked for the information for an identical period. This is a request for the same information and it was therefore treated as a single request for the purpose of assessing the cost of compliance.

Our reply should, however, have explained that your first email, which asked when the Prime Minister first became aware that UK law was in breach of EU directives, was not a valid request for information.



If you are unhappy with the handling of your request for information you, have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

*Yours sincerely,*

*Zara Smart*

*pp.* SUE GRAY

