



Home Office

Information Access Team
Shared Services Directorate
2 Marsham Street, London SW1P 4DF
Switchboard 020 7035 4848

E-mail: Info.Access@homeoffice.gsi.gov.uk Website: www.homeoffice.gov.uk

Paul Grimshaw

request-10848-ca498588@whatdotheyknow.com

19 February 2010

Dear Mr Grimshaw

Freedom of Information request (our ref: CR 11772) – Internal Review

I am writing further to my e-mail of 5 October 2009, about your request for an internal review of our response to your Freedom of Information (Fol) request about the Wikileaks website. I apologise for the delay in providing a substantive reply. Unfortunately your internal review request was overlooked when it was initially received, and since I first wrote to you this matter has taken longer to resolve than I hoped would be the case.

However I have now completed the review. I have examined all the relevant papers, and have consulted the official who provided the original response. I have considered whether the correct procedures were followed and assessed the basis on which you were told that no information is held. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My conclusion is that the original response was incorrect, in that it informed you that the Home Office held no relevant information. A small amount of information is held and was unfortunately not recovered during the handling of your initial request. This information is not exempt and therefore it is also enclosed. You can find this information at **Annex A** to this letter.

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your Fol request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane

Wilmslow
Cheshire SK9 5AF

Yours sincerely

Diana Pottinger
Information Access Team

Annex A to letter – information to be supplied to applicant

1) Extract from daily morning media summary: 18 Apr PM - 21 Apr AM

Army's intell capabilities are leaked onto internet last night – in highly-damaging disclosure, handbook issued to UK cmmndrs in Iraq & Afghanistan finds its way onto *wikileaks* site

(NB - The daily media summary informs colleagues of current news stories in the media. The wording of the above text is taken directly from the title of a newspaper article and does not provide an indication of the Home Office's opinion. The remainder of this document is not relevant to the request as it is not about Wikileaks).

2) Extract from ACPO Briefing Letter

BRIEFING NOTE

PUBLICATION OF MEMBERSHIP LIST OF BRITISH NATIONAL PARTY

The website

One of the websites that was displaying this list was Wikileaks. This website has now been removed and at this time it is assumed that this has been as a result of the actions of the webmaster.

(NB: we have only supplied you with the paragraph of this ACPO letter which refers to Wikileaks. The remainder of the letter does not relate to Wikileaks in any way and is not therefore relevant to your request.)

Internal Review Case Number 11722 – Paul Grimshaw re Wikileaks

Chronology

Original FOI request	23 April 2009
Allocated to unit	23 April 2009 (IMS)
Deadline	21 May 2009
IMS response	20 May 2009
Request for internal review	21 May 2009.

Subject of request

A request was received from Paul Grimshaw asking :
“Please supply all memos, documents and communications referencing the websites known as wikileaks.org (and international versions such as wikileaks.de).”

Response by IMS

As a request for information which might be held by a number of different Home Office business units, it was allocated to the Information Management Service (IMS) to answer. IMS responded to the applicant informing him that the requested information was not held by the Home Office.

Mr Grimshaw’s request for an internal review

The following day – 21 May 2009 – Mr Grimshaw submitted a request for an internal review saying:

“I believe that there must be communication regarding Wikileaks. The wikileaks website has numerous reports and leaks from the Home Office, especially in regards to privacy and ID cards. Either the original enquiry missed the information requested or the entire Home Office is ignoring leaks.”

Unfortunately this review was overlooked upon receipt. This error was not recognised until Mr Grimshaw chased up the reply to his original complaint, hence the delay in its allocation to a caseworker.

Procedural issues

An acknowledgement was sent when the original FOI request was received, informing the applicant of the date by which he might expect a response, and the response was sent within 20 working days. Therefore section 10(1) of the Freedom of Information (FOI) Act, which states that responses must normally be sent within 20 working days, was complied with.

Consideration of the response

IMS contacted local FOI practitioners in all parts of the Home Office (and its executive agencies) and asked them to carry out a search for the requested information. All units considered most likely to hold information responded to say that they did not hold anything relevant. A search of the Home Office paper file database (RMSYS) was also carried out and it contains no references to Wikileaks.

On receipt of the Internal review request an additional search was carried out. This has led to the retrieval of two small pieces of information relevant to the request:

- One reference in a Research Information and Communications Unit media summary for 21st April 2009
- Information within a letter from the Association of Chief Police Officers after the publication of the membership list of the British National Party.

As the letter was held by Crime and Policing Group (CPG) all units in the group carried out a further search and confirmed that no further information had been overlooked. No such further information is held.

In this case the original search was not sufficiently thorough, and some information was overlooked. As a result the response issued breached section 1(1)(a) of the FOI Act, which requires public authorities to state whether or not they hold information relevant to a request, by inaccurately informing the requester that no relevant material is held. Given that information is held, the response provided was also not compliant with the duty in section 1(1)(b) of the FOI Act to supply such information as is held (except where exemptions apply).

I have therefore also considered whether this newly retrieved information can be released, and as no exemptions apply to it I will provide a copy to the applicant.

Conclusions

- Section 1(1)(a) was not complied with – duty to say whether or not information is held
- Section 1(1)(b) was not complied with – the duty to communicate information that is held
- Section 10(1) was complied with – the response was sent on time.