

Notes from case reference – IRQ0428449

Created	Username	Note
18/01/2012 14:56	Helen Ward	CG confirmed verbally to LB no info held in scope.
18/01/2012 15:27	Helen Ward	Info held outside CMEH

Helen Ward Lead Internal Compliance Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
T. 01625 545 557 F. 01625 524 510 www.ico.gov.uk

From: David Smith
Sent: 09 January 2012 17:39
To: Helen Ward
Subject: RE: New Information Request IRQ0428449

Helen

Apologies. I thought that I had responded to this but obviously I hadn't. I can confirm that I don't hold any information within the scope of the request.

Thanks

David

David Smith
Deputy Commissioner and Director of Data Protection

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
T. +44 (0) 1625 545721 F. +44 (0) 1625 524510 www.ico.gov.uk

From: Helen Ward
Sent: 09 January 2012 17:09
To: David Smith
Subject: FW: New Information Request IRQ0428449
Importance: High

Hi David

Further to Lesley's email below please can you let me know if you hold any information in scope of the request below.

Please can you let me know by Thursday of this week?

Many thanks

Helen

Helen Ward Lead Internal Compliance Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
T. 01625 545 557 F. 01625 524 510 www.ico.gov.uk

From: Lesley Bett
Sent: 16 December 2011 10:07

To: Executive Team
Cc: Charlotte Powell
Subject: New Information Request IRQ0428449

I need to alert you to this new information request which has just been received.

I would like to request copies of any emails containing official information held in private email accounts owned or accessed by members of the ICO's Executive Team. My request applies to emails sent and received.

This request covers the period 12th September 2011 up to and including 19th September 2011.

Please could you ensure that you do not delete any emails which may fall within the scope of this request. We will allocate this request and contact you about it as soon as possible.

Lesley

Lesley Bett Head of Internal Compliance

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
T. 01625 545773 www.ico.gov.uk

Helen Ward

Lead Internal Compliance Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
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From: Lesley Bett

Sent: 09 January 2012 11:36

To: Helen Ward

Subject: FW: New Information Request IRQ0428449

From: Simon Entwisle

Sent: 19 December 2011 08:24

To: Lesley Bett

Subject: RE: New Information Request IRQ0428449

Lesley

I can confirm that I do not hold any information that falls within the scope of this request.

Simon D C Entwisle Director of Operations

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 01625 545807

www.ico.gov.uk

Please consider the environment before printing this email

From: Lesley Bett

Sent: 16 December 2011 10:07

To: Executive Team

Cc: Charlotte Powell

Subject: New Information Request IRQ0428449

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Lesley

Lesley Bett Head of Internal Compliance

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
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From: Graham Smith (Deputy Commissioner)
Sent: 22 December 2011 10:53
To: Lesley Bett
Cc: Charlotte Powell
Subject: RE: New Information Request IRQ0428449

Hi Lesley

As mentioned earlier, I can confirm that I have searched my private email account and I hold no official information in that account for the period covered by the request.

I do think there is an issue about this request being potentially vexatious, the focus being private emails, not specific information. It's a combination of a fishing expedition and a test of whether we can comply with our own guidance. I guess that's just about legitimate if there are no other factors present which would suggest the request was vexatious.

We are dealing with a number of section 50 complaints following similar requests from journalists to government departments. The key issue, which is addressed in our recently published guidance, is not whether any official information is held on private email accounts, but whether information is held there on behalf of the employing public authority. For example if private, unofficial channels of communication have been used instead of the official channels. So, for example, if an email received on the ICO system (eg a

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newsletter from another DPA or a training organisation) was simply forwarded to a private email address for information it would not be held for the purposes of FOI if it were retained on an ICO system.

I hope this is helpful.

Graham

Graham Smith Deputy Commissioner

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
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From: Lesley Bett
Sent: 16 December 2011 10:07
To: Executive Team
Cc: Charlotte Powell
Subject: New Information Request IRQ0428449

I need to alert you to this new information request which has just been received.

I would like to request copies of any emails containing official information held in private email accounts owned or accessed by members of the ICO's Executive Team. My request applies to emails sent and received.

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Please could you ensure that you do not delete any emails which may fall within the scope of this request. We will allocate this request and contact you about it as soon as possible.

Lesley

Lesley Bett Head of Internal Compliance

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
T. 01625 545773 www.ico.gov.uk

From: Michael Collins
Sent: 10 January 2012 15:39
To: Helen Ward
Subject: RE: FOI request to ICO

Hi – that's gone off to Vicky today.

Mike

Mike Collins Senior HR Manager

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5LJ
T. 01625 545 705 F. 01625 545 876 www.ico.gov.uk

Please consider the environment before printing this email

From: Helen Ward
Sent: 09 January 2012 17:28
To: Michael Collins
Subject: FOI request to ICO
Importance: High

Hi Mike

Further to our conversation earlier we would be grateful if you could contact Vicky with reference to the FOI request copied below and let us know whether or not she holds any information in the scope of the request. If she does we would be grateful if they could be forwarded. Our response to the request is due by 19 January 2012.

The request reads:

"I would like to request copies of any emails containing official information held in private email accounts owned or accessed by members of the ICO's Executive Team. My request applies to emails sent and received."

04/02/2012

This request covers the period 12th September 2011 up to and including 19th September 2011."

Many thanks for your help with this,

Helen

Helen Ward Lead Internal Compliance Officer

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From: Victoria Blainey [mailto:[REDACTED]]
Sent: 12 January 2012 09:09
To: Michael Collins; Helen Ward
Subject: RE: FOI request to ICO
Importance: High

Hi

Hope you're both well. I can confirm that I do not hold any information or emails as per the request.

Many Thanks

Vicky

From: Michael.Collins@ico.gsi.gov.uk
To: [REDACTED]
Date: Tue, 10 Jan 2012 15:38:40 +0000
Subject: FW: FOI request to ICO

Hi Vicky

As discussed, here is the FOI request that I mentioned. Let me know if you're going to contact Helen directly.

Mike

Mike Collins Senior HR Manager

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
T. 01625 545 705 F. 01625 545 876 www.ico.gov.uk

Please consider the environment before printing this email

From: Helen Ward
Sent: 09 January 2012 17:28
To: Michael Collins
Subject: FOI request to ICO

04/02/2012

Helen Ward Lead Internal Compliance Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
T. 01625 545 557 F. 01625 524 510 www.ico.gov.uk

From: Helen Ward

Sent: 18 January 2012 13:39

To: Greg Jones; Helena Szehidewicz; Kirsty McCaskill; Robert Parker

Cc: David Smith; Graham Smith (Deputy Commissioner); Christopher Graham; Simon Entwisle

Subject: FOI request re ICO Exec Team private emails

Importance: High

Hello

Please see attached a copy of response to request from Tim Turner being sent out today.

Thanks

Helen Ward Lead Internal Compliance Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
T. 01625 545 557 F. 01625 524 510 www.ico.gov.uk

18 January 2012

Case Reference Number IRQ0428449

Dear Mr Turner

Further to our acknowledgement of 16 December 2011 we are now in a position to provide a response to your request.

Your request read;

"I would like to request copies of any emails containing official information held in private email accounts owned or accessed by members of the ICO's Executive Team. My request applies to emails sent and received.

This request covers the period 12th September 2011 up to and including 19th September 2011.

If you are uncertain about how to interpret this request, please consult the following guidance:

http://www.ico.gov.uk/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/official_information_held_in_private_email_accounts.ashx

If you have any questions or need any clarification, please do not hesitate to contact me."

As previously stated we considered your request under the Freedom of Information Act 2000.

We do not hold any information in response to your request for information and therefore are unable to provide any.

For information; it is stipulated in ICO policy regarding email use that ICO information should not be processed in email accounts or on machines outside of the ICO network.

However, for completeness we asked each member of the Executive Team whether or not they held any information falling into the scope of your request and they have each confirmed that they do not.

I hope this response is of interest to you. However, if you are dissatisfied with the response you have received and wish to request a review of our decision or make a complaint about how

your request has been handled you should write to the Internal Compliance Department at the address below or e-mail Internalcompliancedept@ico.gsi.gov.uk

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation. To make such an application, please write to the First Contact Team, at the address below or visit the 'Complaints' section of our website to make a Freedom of Information Act or Environmental Information Regulations complaint online.

A copy of our review procedure is attached.

Yours sincerely

Helen Ward
Lead Internal Compliance Officer