



Cabinet Office

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London, SW1A 2AS

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[www.cabinetoffice.gov.uk](http://www.cabinetoffice.gov.uk)

Dr Colin Iain Campbell

By email: [request-646808-13c27954@whatdotheyknow.com](mailto:request-646808-13c27954@whatdotheyknow.com)

FOI Reference: FOI329572

11/03/2020

Dear Dr Colin Iain Campbell

I refer to your request where you asked:

*Dear Cabinet Office,*

*Under the freedom of Information Act 2000 could I please request that you release:*

- 1. The current/most recent contract with Dynamic Maps Limited (please redact any personal identifiable data if it is felt that Section 40(2) would be engaged releasing all non exempt material).*
- 2. Confirm the type of service you are purchasing from this company.*
- 3. Could you disclose all Off Payroll/Chapter 10 of Part 2 of ITEPA 2003 (colloquially 'IR35') compliance assessment data you hold for this company, redacting personal identifiable data. This should include any independent assessment, or CEST tool PDF, or clearly confirm if this is not held.*
- 4. If it is claimed that information under Section 3 is not held could you please explain why you do not retain evidence of such an assessment.*
- 5. In the event that the contract is not disclosed what is the notice period/termination period on the contract.*
- 6. How many workers does this company provide?*
- 7. Can this company provide a substitute? Has it done so at any point? Under the terms of the engagement could such a substitute be rejected?*
- 8. Are the expenses of any worker this company provides/the company reimbursed via a publicly funded route? (including but not limited to vehicle millage where relevant, if there is a right to such remuneration please disclose this irrespective of whether it is actually claimed)*
- 9. Does any worker supplied hold an office holder role within the Cabinet Office?*
- 10. Does the cabinet office dictate the working hours of any worker provided?*
- 11. Does any worker provide any equipment of their own?*

12. What is the frequency/payment model? eg Day rate? Hourly? Fixed fee?
13. Does the worker receive any paid for corporate benefits - eg Government phone, health insurance, pension contributions etc)
14. Is any worker supplied/the company able to perform work for other organisations or is the contract exclusive?

As most of these questions should be easily and simply located within the contract (and the realities of the notional contract) it is not anticipated that the Section 12 cost limit will apply. Should you at any time during the process of preparing a response decide that it would be engaged could you please immediately provide Advice and Assistance pursuant to Section 16 by contacting the requester and advising of the problem so that the request can be modified to enable your compliance without creating unnecessarily protracted delay. Section 12 does not include time taken to apply exemptions and redact data and as full documents are requested other than the factual answers extraction is not anticipated to be an issue.

Please apply exemptions as narrowly as possible and never to more than one bullet point simultaneously. Any redactions are to be kept to the minimum. Where it is asserted that Section 40(2) is engaged taking into account the required fairness test, could the relevant personal information be redacted and non-exempt information then released. However in considering Section 40(2) please consider that senior office holders within the Cabinet, even temporary civil servants at this very high level, do not have a reasonable expectation of privacy in such matters and should expect close public scrutiny, something which is important in maintaining standards in public life.

With respect to Section 41, where it is asserted that disclosure would constitute an actionable breach of confidence it is reminded that it is a requirement not only that such action could be brought but that, if brought, it would on balance of probabilities succeed. It is further reminded that court cases for actionable breach of confidence do, in fact, consider the public interest and thus the position of any workers supplied and the considerations of standards in public life would be relevant considerations. If it is claimed that Section 41 would be engaged please disclose the signed dated Non-Disclosure Agreement, or other documents confirming the basis upon which such a claim could be made.

If attempt is made to cite Commercial Interests under Section 43(2) please disclose the full public interest and prejudice test reasoning. It should be remembered that financial interests are NOT commercial interests for the purposes of this section.

Where it is asserted that the interests of the company or any worker would be asserted please confirm in writing that you have spoken with any worker to confirm that the company/worker believes that their commercial interests would be undermined.

If consideration is given to claiming a Section 36 exemption for prejudice to the effective conduct of public affairs - it is not anticipated that releasing simple factual information about the nature of an engagement without any confidential or policy content is likely to engage this section (it could not conceivably compromise collective cabinet responsibility, or exchange of views or advice to know the contractual terms with a company as this is not related to the actual content of any advice or service rendered).

*However please disclose full public interest and prejudice tests and additionally could you please name the specific Minister of the Crown or Qualified Person exercising such authority (and additionally name the minister whose authority is used) and release the certificate signed by the relevant Minister of the Crown or Qualified Person relied upon.*

*NB - Meta data on any files should be left intact, or if removed to prevent any personal identifiable data being released the date and time of creation information should please be disclosed separately.*

*I look forward to your prompt response ideally within the prescribed 20 day time frame and I reserve the right to escalate failure to comply to internal review followed by the ICO if exemptions are claimed inappropriately/inadequately justified. Should you require clarification please contact me within 48 hours of this request.*

*If you reply citing qualified exemptions we may respond to you with public interest representations for your consideration.*

*It is reminded that should you at any point consider the Section 12 cost limit might become engaged then we would ask you to please contact us immediately under your Section 12 duty to provide advice and assistance, so that the scope can be appropriately altered to aid your compliance - rather than let the clock run down before reporting this fact.*

*Yours faithfully,  
Dr Colin Iain Campbell MBChB FRSPH PGDip(Law)*

*PS - The author allows sections of this FOI to be reproduced by other requestors to aid in their request but asks that this notice be left in place if doing so. If you regularly palce FOIs you may find the following app useful for anticipating and responding to exemptions:*

*<https://play.google.com/store/apps/details?id=uk.to.howtofoi>*

I am writing to advise you that following a search of our paper and electronic records, I have established that the information you requested is not held by the Cabinet Office.

Cabinet Office does not have a record of any contract with Dynamic Maps Limited.

If you have any queries about this letter, please contact the FOI Team quoting the reference number above.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Eirian Walsh Atkins  
Cabinet Office

70 Whitehall  
London  
SW1A 2AS  
email: [foi-team@cabinetoffice.gov.uk](mailto:foi-team@cabinetoffice.gov.uk)

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued. If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Brown', written over a faint, light-colored circular stamp or watermark.

FOI Team  
Cabinet Office