



Cathy Fox

Via: request-814962-ff4d5e1b@whatdotheyknow.com

25 July 2023

Dear **Cathy Fox**

Cabinet Office Internal Review Reference: **IR2023/07469**

(Original Case Reference: **FOI2023/05182**)

REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000

We refer to your email of 20 June in which you requested an Internal Review. Your request for an Internal Review was prompted by the Cabinet Office's response of 25 May to your request for information (reference FOI2023/05182) under the Freedom of Information Act 2000 ('the Act').

This letter constitutes the outcome of the Internal Review. My findings are below.

The request

On 25 April you submitted a request for information. You wrote:

'Thank you for the review, however please answer my further request, I cannot read the signature, please tell me who the Head of Freedom of Information is at the Cabinet Office.'

The response

The Cabinet Office responded to you on 25 May. It informed you that: *"The information you requested is being withheld under section 40(2) of the Freedom of Information Act. Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would, amongst other things, contravene one of the data protection principles in Article 5(1) of the UK General Data Protection Regulation and section 34(1) of the Data Protection Act 2018. In this case, we believe*

disclosure would contravene the first data protection principle, which provides that processing of personal data must be lawful, fair and transparent.”

Request for an Internal Review

On 20 June, you requested an Internal Review of your request for information. You wrote:

‘Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Cabinet Office's handling of my FOI request 'for the name of the Head of FOI at the Cabinet Office.

Processing of personal data must be lawful, fair and transparent and the Head of Information at the Cabinet office is an important post and paid for by the public. The public have a right to know who the Head of FOI is at the Caninet office and releasing that information is lawful fair and transparent and failure to do so is not fair, not transparent and not lawful. It is a misuse of this section to use this as an exemption.

Furthermore - a new FOI request please tell me if the signature of the Head of FOI is the signature of a real living individual

Secondly the signature used in the last reply, please state if this is a signature of a real living individual and if it is used by more than one individual.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/footage_leak_of_alleggra_stratton

Outcome of the Internal Review

To address your first query regarding who is the head of FOI in Cabinet Office:

After thorough review I have concluded that section 40(2) was appropriately used. The Cabinet Office has a long-standing practice not releasing personal information for non-senior (below SCS grade) civil servants and to breach this would set an unacceptable precedent. Section 40(2) is an absolute exemption and the Cabinet Office is not obliged to consider public interest in disclosure.

Additionally, releasing this information would also breach UK General Data Protection Regulation law, via Article 5(1) and the Data Protection Act 2018 via section 34(1). Article 5(1) of UK GDPR which requires that personal data should be processed lawfully, fairly, and transparently.

Section 34(1) is the first data protection principle of DPA 2018, which provides that processing of personal data must be lawful, fair and transparent.

In regards to your second query about signatures:

I can confirm that one of the signatures is that of Eirian Walsh Atkins who is the Deputy Director for the Freedom of Information and Transparency Data Team. The second signature is generic and does not represent any specific person.

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

A handwritten signature in black ink, appearing to be 'KJMD' or similar, written over a horizontal line.

Head of Freedom of Information
Cabinet Office