

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Steve Elibank (reference 15954)

Responding Unit: Information Management Service (IMS)

Chronology

Original Fol request:	12 August 2010 (under reference 15802)
Clarification letter:	23 August 2010
Clarification provided:	30 August 2010
Acknowledgement:	1 September 2010
20 day apology letter:	28 September 2010
IMS response:	6 October 2010
Request for internal review:	6 October 2010

Subject of request

1. Mr Elibank submitted a request for information under the Freedom of Information Act 2000 ("the Act"). Mr Elibank asked for information about the logos of MI5, MI6 and the Joint Terrorism Analysis Centre (JTAC). Mr Elibank was asked to clarify his request, which he did on 30 August. Mr Elibank's clarified request is included at Annex A of this report.

The response by IMS

2. The response from IMS neither confirmed nor denied whether the Home Office holds the information requested by virtue of section 23(5) of the Act, which relates to information supplied by, or relating to, bodies dealing with security matters.
3. The response explained that this section of the Act exempts the department from its duty to say whether or not it holds the information requested, adding that as a consequence of section 23(5) being an absolute provision no further consideration is required.

The request for an internal review

4. Mr Elibank requested an internal review of the handling of his request. Mr Elibank stated that 'the logos of JTAC and MI5 cannot be secret security matters. This is surely obvious.'

Procedural issues

5. Mr Elibank's clarified request was recorded as having been received on 31 August (the first working day following the date the request was submitted, which was a bank holiday). Accordingly the deadline for IMS to respond was 28 September. The response to Mr Elibank was sent on 6 October and was therefore in breach of section 10(1) of the Act, which requires a request to be responded to within 20 working days.
6. I note however that a letter was sent to Mr Elibank on 28 September apologising for his request not being responded to within the time limit required by the Act.
7. Mr Elibank's request was acknowledged, which although not a requirement of the Act, is considered good practice to do.
8. Mr Elibank was informed in writing of his right to request an independent internal review of the handling of his request, as required by section 17(7)(a) of the Act.
9. The response also informed Mr Elibank of his right of complaint to the Information Commissioner, as set out in section 17(7)(b) of the Act.

Consideration of the response

10. I have considered the original Information Management Services response.
11. Mr Elibank requested information held by the Home Office in relation to some of the bodies whose information is protected from disclosure under section 23 of the Act. Whilst the logos of these bodies are available in the public domain, no information has been officially disclosed regarding the commissioning and design of these logos, or the extent to which the Home Office (as parent department for the Security Service and JTAC) was or was not involved in this process.
12. Section 23 is an absolute exemption which was designed to protect from disclosure any information relating to the section 23 bodies, regardless of whether or not such a disclosure would be damaging. Previous case law has established that confirmation or denial as to whether such information is held in itself represents the disclosure of information about the section 23 bodies.
13. Unless it is in the public domain, confirmation or denial as to whether such information is held by the Home Office would therefore involve the disclosure of exempt information. It is for this reason that the Home Office upholds its decision to neither confirm nor deny whether the information you requested is held, by virtue of section 23(5) of the Act.

Advice and assistance

14. Not applicable.

Conclusion

15. Having considered the response provided by IMS I am satisfied that the Unit were correct in their citing of section 23(5) of the Act.
16. The Unit's response of 6 October was provided to Mr Elibank outside the 20 working day limit and so was in breach of section 10(1) of the Act.
17. I am satisfied that sections 17(7)(a) and (b) of the Act were complied with.
18. As indicated in the response sent to the original request made under the Act, the response in this report should not be taken as conclusive evidence that the information requested is or is not held by the Home Office.

Information Access Team
Home Office
2 November 2010

Annex A

Thank you for your request for clarification. The internet page I referred to has since been taken offline for some reason, so please re-interpret my enquiry as per below.

For the logos of MI5 (Security Service), MI6 (Secret Intelligence Service) and JTAC respectively:

- When was the current logo, corporate style, graphics and branding implemented?
- Who designed it?
- How much were the designers paid for their services?
- Were other designers consulted? Was there competition? If so, who was involved, and was any payment made to unsuccessful firms?
- Are there any "alternate" versions of the branding (as in, any which were designed but not taken up), and if so, please supply an electronic copy.
- Please provide me with a copy of your logo guidelines, branding manual or equivalent document.
- Please provide a vector/EPS/SVG copy of the logo. I am well aware of the need for brand management, and this is solely for branding research purposes.

I am aware that much of this information may be "owned" by other government organisations, but if you happen to hold it as well (which I would consider likely) then the FOI Act requires you to divulge it.