



HM Revenue
& Customs

Mr Guy Johnson

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Central Policy

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DX

Date 6 July 2016
Our ref FOI 1854/16
Your ref

Dear Mr Johnson

Freedom of information Act (FOIA)

Thank you for your request under the FOIA, which was received on 7 May 2016, for the following information:

I would like to request a copy of HMRC's news articles, published on the department's internal intranet, from April 2015 to April 2016.

I would also like copies of all comments posted in relation to each of these articles, including those that have been removed by administrators.

Please accept my sincere apologies for the delay in responding. I can confirm that HMRC holds information falling within the scope of your request.

Please find at Annex A, a copy of the news articles published on the HMRC intranet pages from April 2015 to April 2016.

Please note that the personal data of junior employees have been withheld and redacted under section 40(2) of the FOIA which applies by virtue of section 40(3)(a)(i). Section 40(2) is an absolute exemption that applies to information which is personal data not relating to the requestor, the disclosure of which would contravene one of the data protection principles in Schedule 1 of the Data Protection Act (DPA) 1998. The terms of this exemption in FOIA mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

Articles that relate to identifiable HMRC customers have been withheld under section 44(1)(a) of the FOIA. This applies when the information is prohibited from disclosure by another piece of legislation.

Information is available in large print, audio and Braille formats.
Text Relay service number – 18001



In this case, the Commissioners for Revenue and Customs Act 2005 (CRCA) section 18(1) gives HMRC a duty of confidentiality which applies to all information it holds in connection with its functions. This is to make sure that information held on people and businesses would be protected and released only in controlled and limited circumstances.

When deciding whether we are prohibited from releasing information under FOIA by our duty of confidentiality, CRCA section 23(1) sets the following two questions:

- Would the requested information be held in connection with a function of HMRC?
- Would the information relate to a "person" who could be identified from the information requested?

The term "person" includes legal entities such as companies, trusts and charities, as well as living individuals (see Schedule 1 of the Interpretation Act 1978).

In this case, the answers to both questions is "Yes". Our duty of confidentiality therefore applies under CRCA section 18(1) and we are exempt from releasing the information under FOIA section 44(1)(a).

The comments that have been posted by HMRC officials in response to these news articles, including comments that have been removed by administrators, are being withheld under the exemptions at section 36(2)(b) and (c) of the FOIA which provide that:

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act -

(b) would, or would likely to, inhibit –

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purpose of deliberation, or

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

HMRC considers that the disclosure of this information would inhibit the free and frank provision of advice and exchange of views for the purpose of deliberation and would prejudice the effective conduct of public affairs.

The HMRC newsroom is an important internal HMRC channel that exists to enable employees to read, and respond to, the latest HMRC news stories. Each news article has a comments facility that enables employees to share their views, and interact with other staff on HMRC business.

The newsroom is a key tool for HMRC's engagement with employees. Comments often challenge decisions, ask questions or suggest improvements/changes to the delivery of services. Senior leaders actively monitor the newsroom in order to respond to offer advice or contribute to key points raised in the conversation. Comments may be specific to the news articles, but often move on to more specialised internal matters.

Section 36 is a qualified exemption, so where it applies I must consider whether the public interest favours maintaining the exemption.

We recognise that by releasing information about how HMRC is managed and how issues identified internally by staff are being raised with, and addressed by, senior officials, can help inform the public debate about performance and accountability of HMRC. It can also reassure the public that issues are being identified and tackled. There is a public interest in knowing the views of civil servants working in a central public department.

However, the newsroom and wider intranet support the culture change and transformation work that HMRC is delivering. The open views of staff are integral to this. It is in the public interest that decisions taken by HMRC are based on full and frank advice and our people feel they can safely air their views and concerns; anything that stifles the free and frank exchange of views would impact on HMRC's ability to operate effectively, particularly if issues or suggestions for improvements or concerns were to remain hidden as a result. Disclosure would reduce the usefulness of the channel for open discussion and feedback between employees and senior officials.

So on balance, I have concluded it is not in the public interest to set aside the exemption.

The personal data that we hold relating to those employees who have submitted comments is exempt under section 40(2) of the FOIA which applies by virtue of section 40(3)(a)(i). Please refer to the section 40(2) exemption set out above.

If you are not happy with this reply you may request a review by emailing foi.review@hmrc.gsi.gov.uk, or by post to HMRC FOI Team, Room 1C/23, 100 Parliament Street London SW1A 2BQ. You must request a review within 2 months of the date of this letter. It would help us carry out our review if you set out the aspects of the reply that concern you and why you are dissatisfied.

If you are not content with the outcome of an internal review, you can complain to the Information Commissioner's Office (ICO). The ICO will not usually consider a case unless you have exhausted the internal review procedure provided by HMRC. You can make a complaint through the ICO's website at: www.ico.org.uk, or by post to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Peter Harlow

To find out what you can expect from us and what we expect from you go to www.gov.uk/hmrc/your-charter and have a look at 'Your Charter'.