



Home Office

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Alex Brown
[request-172138-16caffb1@whatdotheyknow.com](#)

11 December 2013

Dear Mr Brown

[Reference 28484]

Thank you for your e-mail of 8 August 2013, in which you ask for information about the Home Office's twitter messages about arrests of suspected immigration offenders on 1 August 2013. Your request is being handled as a request for information under the Freedom of Information Act 2000. We are now in a position to provide a full reply to your request.

I am able to disclose some of the information that you requested, as set out in the enclosed **Annex A**.

The names of junior staff have been redacted under section 40(2) – personal information.

The general policy of the Home Office is not to disclose, to a third party, personal information about another person. This is because we have obligations under the Data Protection Act and in law generally to protect this information. Your request for personal information has been considered in line with our obligations under the Freedom of Information (FOI) Act. However, we have concluded that the information you have requested is exempt from disclosure under section 40(2) of the FOI Act. This exempts personal data if disclosure would breach any of the data protection principles.

I can also confirm that the Home Office holds the information that you requested about the drafting of the Home Office's twitter messages about arrests of suspected immigration offenders on 1 August 2013. However, after careful consideration we have decided that this information is exempt from disclosure under section 36(2)(b) of the Freedom of Information Act. This provides that information can be withheld where disclosure would be likely to inhibit the free and frank provision of advice, and the free and frank exchange of views for the purpose of deliberation, and the public interest falls in favour of applying the exemption.

Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out in the enclosed **Annex B**.

Yours sincerely

Diana Pottinger
Information Access Team

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Annex A – requested information

1. Any minutes, notes or emails related to the composition, approval or discussion of those tweets.

Email from Press Office
dated 22 July
Subject: Compliance
Attachments: Media Plan - Compliance 1 August 1.0doc

The attached is still in draft form, but I thought it might be useful background for the 2pm call. If there's anything at all you want to amend or add, just let me know.

– for info.

Thanks

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email from Press Office
dated 23 July
Subject: Media plan – Compliance 1 August 1.0doc

Hello all,

Please see the attached draft media plan for Operation Compliance, which takes place next week. We have told the minister that we would provide a detailed outline of the media plan for the day and wanted to make sure you all had the chance to feed in and comment. You'll see I've highlighted specific points where you might have something to say, but obviously feel free to comment more widely if you want.

We are working to quite tight timescales on this, so I am aiming to get a final version of this to the minister's office by 2pm today (apologies for the short notice). I am also working on the press release, which I will send up at the same time.

Look forward to hearing from you, and thanks for your help.

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email from Press Office
dated 29 July.

Subject 'news stories for the week'

Thursday

Op Compliance – Web story and digital/social media campaign to run through the day highlighting the enforcement work through a selection of pictures, video and running updates of arrests. This one is most subject to change.

Senior Press Officer
Digital and Evaluation

For the latest news from the Home Office follow us on twitter [@ukhomeoffice](https://twitter.com/ukhomeoffice)
or visit our website: <https://www.gov.uk/government/organisations/home-office>

Further information – emails and attachments detailing media plans – is withheld under section 36(2)(a) and (b) of the FOI Act.

2. The grade and role of any civil servant or minister who approved either the tweets (either individually or in aggregate)

All public communications by the department is carefully considered and authorised by a civil servant of the appropriate level (Grade 7 or above) to ensure it supports our wider communication aims of informing the public about delivery of government policy.

3. Any specific guidance provided to staff when tweeting about crime and immigration related matters (note I am not seeking generic guidelines on civil service use of Social Media).

We do not have separate guidance for staff when tweeting about crime and immigration related matters. All social media output, including Twitter, is treated in the same way as all public communications by the department. It is carefully considered and authorised by a civil servant of the appropriate level (Grade 7 or above) to ensure it supports our wider communication aims of informing the public about delivery of government policy

Below are links to the social media policy and guidance available:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62361/Social_Media_Guidance.pdf

<http://205.139.89.196/media-centre/our-twitter-policy/>

Annex B to letter:

Section 36: Prejudice to effective conduct of public affairs.

(1) This section applies to—

(a) information which is held by a government department or by and is not exempt information by virtue of section 35, and

(b) information which is held by any other public authority.

(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—

(a) would, or would be likely to, prejudice—

(i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or

(ii) the work of the Executive Committee of the Northern Ireland Assembly, or

(b) would, or would be likely to, inhibit—

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

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

Public interest test arguments in relation to section 36

Section 36 is a qualified exemption, so we must carry out a Public Interest Test (PIT) to balance the public interest in disclosure against the public interest in favour of withholding the information.

Considerations in favour of releasing the information

There is a public interest in transparency, so that the public can be assured that there is robust oversight of the use of advertising campaigns to address sensitive issues such as the removal of people who have no right to remain in the UK.

Considerations in favour of withholding the information

Inhibiting the provision of advice or the exchange of views may impair the quality of decision making by the public authority. This refers to the process rather than the information. In order to engage the exemption, the requested information does not have to contain views that are free and frank.

Ministers need to be able to consider options privately before making decisions, this essential to the process of government. In this case, draft press lines/planned publicity campaign aimed at suspected immigration offenders via twitter and press releases.

Ministers and officials need a safe space in which to consider all options, including those which are later discarded. If details of these discussions were to be disclosed, this would inhibit future discussions, which is likely to have an adverse effect on their quality.

This is particularly the case with a controversial subject such as immigration controls, where it is necessary to consider all possible options in order to be able to publicise the actions of Home Office officials in removing people who have no right to be in the UK without making those who are here lawfully feel unwelcome or threatened.

This chilling effect is more likely in the case of ongoing discussions. As this was a trial to ascertain the effect of a particular advertising campaign, which will be followed up once it has been assessed, this subject can be considered to be ongoing.

Conclusion

We conclude that the balance of the public interest lies in withholding the information.