

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Dated 22 January 2007

**Public Authority:** Cabinet Office  
**Address:** Admiralty Arch  
North Entrance  
The Mall, London  
SW1A 2WH

### Summary Decision

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The complainant requested confirmation as to whether the public authority held any record of a response to an email sent to Alastair Campbell in connection with, what became, the dossier on "Iraq's weapons of Mass Destruction". The public authority responded to the request stating that it did not hold the information requested. Following investigations the Commissioner is satisfied that the information is not held by the public authority and that the complainant's request had been dealt with in accordance with Part 1 of the Act.

### The Commissioner's Role

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1. The Commissioner's role is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 ('the Act'). This Notice sets out his decision.

### The Request

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2. The complainant requested the following information on 19 January 2006 from the public authority in accordance with section 1 of the Act. (The full text of this section of the Act is available in the Legal Annex attached to the end of this Notice):  
"I would like to make a request for information under the Freedom of Information Act. This concerns John Williams' (emailed) note to Alastair Campbell of 6 September 2002, concerning what became the dossier on Iraq's weapons of Mass Destruction. The email and note appear on the Hutton Inquiry<sup>1</sup> website

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<sup>1</sup> The report of the inquiry into the circumstances surrounding the death of Dr David Kelly CMG by Lord Hutton.

- Did Alastair Campbell reply to this note, in writing or otherwise?
- If so, what was his reply?
- Please supply copy records of any reply”.

The e-mail and note referred to by the complainant, which formed part of the evidence considered by the Hutton enquiry, can be found at:

[http://www.the-hutton-inquiry.org.uk/content/cab/cab\\_11\\_0018to0019.pdf](http://www.the-hutton-inquiry.org.uk/content/cab/cab_11_0018to0019.pdf)

3. On February 16 2006 the public authority advised the complainant that his request for information had been considered and that it was unable to supply the information he had requested. The public authority confirmed following reasonable searches of its department that it does not hold the information he requested.
4. The complainant requested an internal review on 26 February 2006. He stated that the public authority's use of the word "reasonable" raised suspicions that its searches were minimal. The public authority reaffirmed on 9 March 2006 that it was satisfied that its initial response covered the three points listed in the complainant's request and that it does not hold the information requested.
5. The complainant wrote to the Information Commissioner's Office on 13 March 2006 asking for a decision as to whether his request for information to the public authority had been dealt with in accordance with the requirements of Part 1 of the Act.

## The Investigation

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6. The Commissioner contacted the complainant on 31 May 2006 to clarify his complaint and to ascertain why he disputed the veracity of the public authority's response. The Commissioner explained that it could seek further clarification from the public authority as to whether the information requested is, or has been, held.
7. The complainant responded on 13 June 2006 and advised that in his view it was extremely likely that some form of response was issued by Alastair Campbell due to the nature of the communication from John Williams on 6 September 2002. The complainant was also dissatisfied with the extent of the public authority's initial search and commented that Alastair Campbell often communicated by memorandum or minute rather than by email. He felt such information was unlikely to have been destroyed and doubted whether such information had been scrutinized by the public authority during the period in question.
8. The Commissioner also wrote to the public authority on 8 June 2006 asking a series of preliminary questions to establish whether the information specified in the complainant's request is, or has been, held.
9. The public authority responded on 6 July 2006 and advised that all efforts were made when the complainant's initial request for information was processed and

- again during the course of the internal review, to try and identify the information sought. It stated that this involved a search of the records held at No 10 Downing Street, the Cabinet Office and also information held by the Treasury Solicitor's office on the Cabinet Office's behalf as a result of the Hutton Inquiry. Despite these searches it had not been able to identify a response to the communication in question or any information which might indicate that a response was sent.
10. The public authority explained that the government made a substantial amount of information available to the Hutton Inquiry. As part of this exercise a search was made of all electronic records including deleted emails in order to identify all potentially relevant information. It confirmed that all the recovered material was reviewed in the context of the complainant's request and no information of the description requested was identified.
  11. The Commissioner contacted the public authority on 17 August 2006 for further clarification and to relay the complainant's concerns that the email of 6 September 2002 contained some significant points which one might reasonably expect would elicit a response. The Commissioner asked the public authority for further written confirmation of whether any response was sent to this email.
  12. In a response dated 6 December 2006 the public authority advised that, whilst it noted the complainant's comment that the email of 6 September 2002 makes points which one might reasonably expect would elicit some form of response, it did not accept that this statement in itself suggested the requested information is, or has been, held. It reiterated that an extensive search had been undertaken and it was unable to identify a response to the email or any information which might indicate that a response was issued.

## The Decision

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13. The Commissioner is satisfied that the requested information is not held by the public authority and that the complainant's request has been dealt with in accordance with Part 1 of the Act. The public authority carried out a number of searches for the information none of which indicated that any such information is, or has been, held.

## Steps Required

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14. The Commissioner requires no steps to be taken.

## Right of Appeal

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15. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 600 0877  
Fax: 0116 249 4253  
Email: [informationtribunal@dca.gsi.gov.uk](mailto:informationtribunal@dca.gsi.gov.uk)

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 22 day of January 2007**

**Signed .....**

**Richard Thomas  
Information Commissioner**

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

## **Legal Annex**

### **Freedom of Information Act (2000)**

#### **Section 1**

Provides that “any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”