

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 11 January 2017

**Public Authority:** Tate  
**Address:** Millbank  
London  
SW1P 4RG

#### Decision (including any steps ordered)

---

1. The complainant has requested information from Tate relating to two meetings that took place in February 2015 involving BP. Tate disclosed some information to the complainant but redacted some personal data under section 40 of the FOIA.
2. The complainant's main concerns involved an agenda item and the limited information Tate seemed to hold. The complaint relating to the agenda item was resolved during the Commissioner's investigation but the complainant wished to still question whether further recorded information to that already provided is held.
3. The Commissioner's decision is that, on the balance of probabilities, Tate does not hold any further recorded information. She therefore does not require any further action to be taken.

#### Request and response

---

4. On 18 January 2016, the complainant wrote to Tate and requested information in the following terms:

- "1) Members of the Tate's staff were invited to and attended a 3-hour "Security Session" on the 12<sup>th</sup> February 2015, hosted by BP at the company's offices. I request that you disclose the following:
- a) How many members of the Tate's staff attended this session and their respective role and/or position within the institution.
  - b) The agenda, or an outline of the content of that session, with regards to its remit and scope.
  - c) Please confirm whether any aspect of that session dealt with, addressed or discussed potential or past activity at cultural institutions on the issue of oil sponsorship.
  - d) Any related correspondence by members of the Tate to colleagues relating to, or informed by, this security session.
- 2) Staff members at Tate were invited to attend a meeting with BP's Security Team at BP's offices in St James's Square London on Tuesday 3<sup>rd</sup> February 2015 from 1100 until 1200. I request that you disclose the following:
- a) Whether members of Tate's staff attended this meeting and if so, their respective role and/or position within the institution.
  - b) The agenda, minutes and/or outline of the content of that meeting, with regards to its remit and scope.
  - c) Any related correspondence by members of the Tate to colleagues relating to, or informed by, this meeting."
5. Tate responded on 15 February 2016. In relation to questions 1a) to d), Tate confirmed that its Security Operations Manager attended the meeting on 12 February 2015. It confirmed that it did not hold an agenda, only an email chain which included the meeting invitation. Tate disclosed this to the complainant with some personal data redacted under section 40 of the FOIA. It advised the complainant that no discussions took place about protest activity and it does not hold any related correspondence falling within the scope of element 1d) of the request. In relation to question 2 a) to c), Tate informed the complainant that the Head of Safety, Security and Services attended along with the Security Operations Manager and the Corporate Partnerships Officer. No minutes of the meeting of 3 February 2015 are held only an agenda item, which was disclosed to the complainant with some personal data redacted and some other information redacted as Tate considered it was outside the scope of the complainant's request. With regards to any related correspondence which may fall within the

scope of element 2(c) of the request, Tate advised the complainant that no recorded information is held.

6. The complainant requested an internal review on 15 February 2016. He questioned whether further recorded information to that already provided is held and disagreed with the redactions made to the agenda item for the meeting of 3 February 2015.
7. Tate carried out an internal review on 9 March 2016 and notified the complainant of its findings. It confirmed that it holds no further recorded information falling within the scope of the request and it was satisfied with the redactions it had made to the agenda item.

### **Scope of the case**

---

8. The complainant contacted the Commissioner on 22 June 2016 to complain about the way his request for information had been handled. He stated that he felt further recorded information is or should be held by Tate to that already disclosed and that Tate had over-redacted the agenda item.
9. The Commissioner's investigation focussed on whether further recorded information is held and the redactions made to the agenda item for the meeting of 3 February 2015. As explained above, Tate redacted information from the agenda for two reasons. Firstly, it felt some information is exempt from disclosure under section 40 of the FOIA and, secondly, that some information is outside the scope of the complainant's request.
10. During the Commissioner's investigation it was agreed that the entire contents of the agenda are in fact in the scope of the complainant's request. It was also agreed that the entire contents could be disclosed with the exception of the personal data of two attendees.
11. The Commissioner has already considered the application of section 40 of the FOIA to the personal data of the two attendees in his decision notice of 11 January 2017, reference FS50634875 and concluded that it applies. It has been agreed with the complainant that this analysis will not be repeated here.
12. The remainder of this notice will therefore only consider whether, on the balance of probabilities, Tate holds any further recorded information to that already provided.

### **Reasons for decision**

---

### **Is any further recorded information held?**

13. The Commissioner asked Tate to explain in detail exactly what searches and enquiries had taken place to ensure that no further recorded information is held. Tate confirmed that the relevant members of staff in its Security and Partnership teams were asked to check all paper files and electronic records for any information that is held relating to the two meetings. In addition, Tate gained permission from its IT Department to access the email archives of any former member of staff who may have had dealings with BP or attended or had been involved in any way in the meetings that took place. Tate confirmed that it holds no paper records falling within the scope of the complainant's request and only identified the email chain that was disclosed initially and the agenda item.
14. Tate explained that its approach was to be as thorough as possible from the outset which included asking all members of staff who may have held information or had any contact with BP. It did not limit its searches to the staff members that attended these meetings but to any member of staff that could possibly have had some involvement in the issues described in the request. It also searched archived email accounts for those members of staff that had since left its employment.
15. Tate is therefore satisfied that there are no further steps it can possibly take to try and identify any further recorded information. It is satisfied that no further recorded information is held and it has explored every possible route available to it.
16. Specifically in relation to elements 1d) and 2c) of the request, Tate explained that no correspondence is held relating to these meetings which may have been circulated before or afterwards in which the contents of the said meetings were discussed. In relation to the meeting of 3 February 2015 Tate confirmed that those that attended recalled the meeting being "top line" and only an hour long, so not as detailed as perhaps the complainant may believe or may expect. No minutes were taken of this meeting or indeed circulated afterwards by BP or any other organisation that attended. Additionally, there were no actions for Tate to formally communicate internally as there was no new information or any change to its approach to potential protest activity or security. The former Corporate Partnership Officer confirmed that they would have discussed the meeting verbally with colleagues in the Corporate Partnerships Office but that would have been all. As there was no new information or new approach there was no need to formally communicate anything to other members of staff within Tate.
17. With regards to the meeting of 12 February 2015, Tate explained that this meeting was an ARGUS security briefing hosted by BP. Members of Tate's security staff have attended a number of ARGUS briefings over

the years hosted by a range of organisations. Tate explained that this was described by those that attended as a "standard" ARGUS briefing which was in line with previous briefings that they or other Tate's members of staff had attended. Tate confirmed that the meeting was useful because they received an update from the National Counter Terrorism Security Office but there was no new information provided which required those that attended to make any changes to current approaches on security.

18. No minutes would have been circulated for what was a briefing and BP would not have done either as hosts of the event. Therefore no further recorded information is held to that already provided.
19. The Commissioner appreciates why the complainant is of the view that further recorded information may be held. She notes that the complainant has made similar requests to other cultural organisations about these two meetings and has received conflicting responses. The conflicting responses have understandably resulted in the complainant wishing to question whether further recorded is held and whether adequate searches have been undertaken.
20. In this case the Commissioner is satisfied that on the balance of probabilities Tate does not hold any further recorded information to that already provided. Tate has explained the searches and enquiries it has made to date and the Commissioner is satisfied that these were thorough. She agrees with Tate that all possible routes have now been explored and no further recorded information is held. Tate has also explained what the two meetings were and why no information was circulated internally about them after they had taken place. Tate confirmed that the meetings were fairly mundane, did not discuss any contentious issues or provide it with any new information on security or protests which would require further action and circulation to staff.
21. The Commissioner is therefore satisfied that no further action is required in this case.

## **Right of appeal**

---

22. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

23. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed** .....

**Samantha Coward**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**