

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 August 2023

Public Authority: Cabinet Office
Address: 70 Whitehall
London SW1A 2AS

Decision (including any steps ordered)

1. The Commissioner's decision is that the Cabinet Office doesn't hold the requested Register of Financial Interests for the Rt Hon Jacob Rees-Mogg MP and has complied with section 1(1)(a) of FOIA. The Cabinet Office breached section 10(1) as it didn't comply with section 1(1) within 20 working days.
2. It's not necessary for the Cabinet Office to take any further steps.

Request and response

3. The complainant made the following information request to the Cabinet Office (CO) on 20 November 2022:

"A full register of all interests, register of all donations of public or private money and register of all communications of support concerning the charity The Society For The Protection of the Unborn Child, charity number 1143342 in England and charity number SC043441 in Scotland made by Jacob Rees-Mogg MP between the dates of 6/7/2010 – 20/11/2022.
4. The CO refused this request under section 12 of FOIA on 19 December 2022 as it considered it would exceed the appropriate cost and time limit to establish whether the information was held and to locate,

retrieve and extract any relevant information that was held. The CO advised the complainant how they might refine their request to bring complying with it within the cost limit.

5. On 20 December 2022 the complainant wrote to the CO and said:

"I would like to request a review of this and would refine it as proposed.

Please provide any and all public or private money given to the mentioned charity only, by the MP, between the dates specified in the original foi.

I would accept that as a review response."

6. The complainant did not receive any further response from the CO and submitted their complaint to the Commissioner in February 2023.
7. The CO went on to provide the complainant with what it described as an internal review (rather than a response to a new, refined request) on 26 July 2023. It confirmed it doesn't hold the requested information.
8. Based on the CO's internal review, the Commissioner advised the complainant that he considered that the CO didn't hold the information they requested. Having initially accepted the Commissioner's assessment and agreed to withdraw their complaint, the complainant subsequently requested a decision notice.

Reasons for decision

9. This reasoning covers whether, on the balance of probabilities, the CO holds the information the complainant requested on 20 December 2022.
10. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the information is held and, under subsection (b) to have the information communicated to them if it's held and isn't exempt information.
11. In its internal review, the CO advised that it had re-considered the complainant's request and could confirm that it doesn't hold the information requested. It provided the complainant with a link to where the Register of Members' Financial Interests is published. The CO told the complainant that the Parliamentary Commissioner for Standards maintains this Register.

12. The CO also sent the complainant a link to where relevant information about the Rt Hon Jacob Rees-Mogg MP is published and provided more general, relevant information.
13. The CO advised the complainant that it would rely on section 14 of FOIA (which concerns vexatious and repeat requests) to refuse requests for information from it on specific subjects. Finally, the CO directed the complainant to the Commissioner's published guidance on how to submit an effective request for information.
14. The Commissioner accepts that the Parliamentary Commissioner for Standards maintains the Register of Members' Financial Interests, not the CO. As such, he's satisfied that the CO doesn't hold the requested information and has complied with section 1(1)(a) of FOIA.

Procedural matters

15. Under section 10(1) and section 17(1) of FOIA, a public authority must comply with section 1(1) or issue a refusal notice within 20 working days following the date of receipt of the request.
16. In this case, the complainant first submitted a request on 20 November 2022. The CO provided its section 12 refusal notice within the 20-working day requirement. However, the refusal doesn't clearly indicate whether the CO is relying on section 12(1), which concerns the cost of complying with a request, or section 12(2) which concerns the cost of simply establishing whether or not the public authority holds the requested information.
17. The Commissioner considers that from its initial refusal, the complainant might have reasonably considered that the CO did hold the requested information.
18. However, on 26 July 2023 the CO confirmed that it doesn't hold the information. The CO has now clearly complied with section 1(1)(a) but did so outside the 20-working day requirement. The Commissioner therefore finds that the CO breached section 10(1) of FOIA on this occasion.

Right of appeal

19. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

20. 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.
21. 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
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