

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 December 2023

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

Decision (including any steps ordered)

1. The complainant has requested copies of statements provided to the press by Downing Street in response to the George Michael song "Shoot the Dog" and accompanying music video. The Cabinet Office stated that it did not hold the requested information.
2. The Commissioner's decision is that, on the civil standard of the balance of probabilities, the Cabinet Office does not hold the requested information.
3. The Commissioner does not require further steps.

Request and response

4. On 21 March 2023, the complainant wrote to the Cabinet Office and requested information in the following terms:

"Sir/Madame

In 2002, pop star George Michael released a hit song criticising Tony Blair over the Iraq War in his 'Shoot the Dog' song and music video. There are historical accounts in archives online that Downing Street was approached for comment by larges [sic] swathes of the press.

However, the actual comment is cut off in these.

Do you have a copy of press statements that were given about George Michael's song or music video, and if so, could you please share them? Is there any record of files held from 2002 containing reference to George Michael's 'Shoot the Dog' song or music video, and if so, could you please share these as well?"

5. The Cabinet Office responded on 20 April 2023. It stated that it did not hold information within scope of the request.
6. On 27 April 2023 the complainant wrote to the Cabinet Office to request an internal review.
7. On 22 July 2023 the complainant contacted the Commissioner to complain that the Cabinet Office had not provided them with an internal review outcome.
8. On 7 August 2023 the Commissioner accepted the complaint for investigation without an internal review.
9. Following an internal review the Cabinet Office wrote to the complainant on 11 August 2023. It stated that it was maintaining its position that it did not hold information within scope of the request.

Scope of the case

10. The Commissioner considers that the scope of his investigation is to determine whether, on the civil standard of the balance of probabilities, the Cabinet Office holds information within scope of the request.

Reasons for decision

11. Section 1(1) of FOIA states 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."

The Cabinet Office's position

12. In an email to the Commissioner the Cabinet Office explained that on receipt of the request it searched the Prime Minister's Digital Index using the terms 'George Michael' and 'Shoot the dog'. The Cabinet Office confirmed that these searches did not return any information.
13. The Cabinet Office identified two paper records that may have held information within scope of the request:
 1. PREM 49/2666 IRAQ. Internal situation: relations; part 4 26/07/2002-05/08/2002
 2. PREM 49/2667 IRAQ. Internal situation: relations; part 5 06/08/2002-02/09/2002
14. These records were reviewed and no information was found within scope of the request.
15. The Cabinet Office further explained:

"Records are selected for preservation in line with the department's records selection policy and we can confirm that it is unlikely that a press release on this subject would have been retained by the Cabinet Office. Press statements once issued become part of the public record and there is, therefore, no requirement to retain them. Exceptionally, if the Prime Minister was closely involved in the issue, briefing on the media strategy may appear in PM (PREM) files. This is rare and we would not expect the PM to have been involved in such a trivial issue."

The complainant's position

16. In their request for internal review the complainant asserted their position that information is held "somewhere" by the Cabinet Office due to Downing Street's involvement at the time of the Iraq war. The complainant stated that they would be surprised if details of the Iraq war had been purged.
17. The Commissioner wrote to the complainant on 3 November 2023 to ask that they provide him with evidence to support the statement made in their request:

"There are historical accounts in archives online that Downing Street was approached for comment by larges [sic] swathes of the press. However, the actual comment is cut off in these."
18. As of the date of this notice the complainant has not provided the Commissioner with copies of the historical accounts referenced nor have they directed him to where they may be found online.

The Commissioner's position

19. The Commissioner's decision is that, on the civil standard of the balance of probabilities, the Cabinet Office does not hold information within scope of the request. The Commissioner has not been provided with any evidence to the contrary.
20. The Commissioner considers that the searches undertaken by the Cabinet Office when responding to the request and investigation were proportionate, reasonable and would have been likely to return any relevant information were it held.
21. Furthermore, the Commissioner considers it understandable that information of this type may not have been selected for permanent preservation by the Cabinet Office for the reasons given. The fact that large portions of the press may have approached the Downing Street for comment does not, in the Commissioner's view, alter this.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Jonathan Slee
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF