

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

### **Decision notice**

**Date:** 12 December 2012

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

#### **Decision (including any steps ordered)**

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1. The complainant requested information on the funding of the costs of private dinners at No 10 Downing Street.
2. The Information Commissioner's decision is that the public authority does not hold any recorded information which would enable it to answer the questions posed in the request.
3. The Commissioner requires no steps to be taken.

#### **Request and response**

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4. On 28 March 2012 the complainant wrote to the public authority and requested information as follows:

"With regard to the private dinners at the flat at 10 Downing Street referred to in the media recently, would you let me know as a matter of urgency if any charges or costs arising from the dinners fell upon public funds? In particular, the costs of food and drinks, energy (gas and electric), cleaning and staff wages. If the answer is "no", would you let me know what transactions or adjustments took place to achieve this?"

5. The public authority responded on 20 April 2012 stating:

"No public money was spent on these dinners and we do not hold information in relation to your request."

6. The complainant wrote again to the public authority and provided clarification of his request. He explained that he was:

"not seeking any detailed figures of costs etc – just the general principles of how things work....just a general statement of how all the costs of private dinners are funded would suffice, I am not asking for any detailed information."

7. The public authority replied by repeating the same response it gave on 20 April.
8. Following this response the complainant requested an internal review on 18 May 2012 and reiterated his request on 30 May 2012.
9. The public authority responded on 26 July 2012 confirming that; "no information is held is still the correct response."

### **Scope of the Case**

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10. The complainant contacted the Commissioner on 29 July 2012 to complain about the public authority's response. With respect to the responses he had received the complainant stated his view that:

"...this is impossible, some information relating to my questions must be held."

11. The Commissioner confirmed with the complainant that his request was in relation to any private dinners held at number 10 and not in relation to any specific dinners.
12. The Commissioner determined that his investigation would consider whether any recorded information relevant to the request was held by the public authority.

### **Reasons for decision**

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**Section 1(1)** states:

13. "Any person making a request for information to a public authority is entitled –
  - (a) to be informed in writing 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."
14. In his investigation the Commissioner asked the public authority to provide an explanation of the searches it had carried out to locate any

recorded information within the scope of the request. It explained to the Commissioner that it had determined those locations where recorded information in the scope of the request would be likely to be held. These included the Cabinet Office team responsible for organising official events and visits for the Prime Minister. The team searched for any recorded information on private dinners and confirmed that it did not hold any information.

15. The Cabinet Office finance team responsible for the payment of invoices in the Prime Minister's Office searched for any invoices within the scope of the request and confirmed that it held no information on any expenditure on food, drink, cleaning or staff wages for private dinners.
16. The public authority explained that No 10 Downing Street is used as both an office for business purposes and a home; the 'home' being the flat which is a 'grace and favour' apartment for the Prime Minister. In his request the complainant used the example of utility costs to illustrate his request. The public authority explained that the utilities (water, gas and electricity) are provided across the whole Downing Street Estate from the same, single sources with the usage recorded on a single meter for each utility. The flat itself does not have its own separate meters. Consequently it is not possible to determine specific usage for a particular event in a particular part of the estate. Therefore the public authority cannot determine whether there was any additional use of any utility on the dates of any private dinners in a specific part of the Estate, including the flat, than would normally be used.
17. The public authority went on to state that there is no recorded breakdown of how much of each utility was used in a particular part of the Estate on the dates of private dinners or whether there was any identifiable cost. The different parts of the Estate (including the flat) are not isolated to enable the public authority to distinguish between the parts to record specific usage of the utilities and therefore it does not hold recorded information on the usage.
18. In its responses to the Commissioner the public authority stressed that no information within the scope of this request was ever held. It went on to explain that it did not create a government record for private dinners and there is no business reason nor statutory requirement why the requested information should be held.
19. The Commissioner is satisfied that the public authority made appropriate searches to determine whether it holds relevant information to the complainant's request and is satisfied with the explanation that it has no purpose or requirement to hold the information. Therefore, on the balance of probabilities, the public authority does not hold the information sought.

20. The Commissioner considers that the FOIA does not require public authorities to answer questions generally, only if the answers are held in recorded form. In this case the public authority does not hold recorded information in relation to the request to enable it to answer the questions posed by the complainant. The Commissioner also accepts that the public authority is not obliged to create recorded information to provide to the complainant.

## Right of appeal

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21. 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: 0116 249 4253

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

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

22. 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.
23. 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 .....**

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