

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 September 2015

Public Authority: The Foreign and Commonwealth Office
Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant has requested information regarding the salary and job role of Cressida Dick. The Foreign and Commonwealth Office ("FCO") refused to provide this citing section 23 (security bodies) as its basis for doing so. It upheld this at internal review.
2. The Commissioner's decision is that the FCO is entitled to rely on section 23(1) as its basis for withholding the requested information.
3. No steps are required.

Request and response

4. On 15 January 2015, the complainant requested information of the following description:

"It was reported in December that Cressida Dick, the former assistant commissioner at the Met Police, had joined the Foreign Office to take up a new post at the director general level.

(<http://www.standard.co.uk/news/uk/britains-most-high-profile-woman-police-officer-in-new-role-at-the-foreign-office-9895744.html>)

I would like to obtain from you information regarding Ms. Dick's job title, role and responsibilities, and salary remuneration package".

The FCO responded on 12 February 2015. It refused to provide the requested information and cited section 23 (security bodies information) as its basis for doing so. It did provide Cressida Dick's grade and some information about the salary range for that grade.¹

5. The complainant requested an internal review on 12 February 2015 and raised a number of points which, he felt, required further clarification. The FCO sent him the outcome of its internal review on 13 March 2015. It upheld its position with regard to section 23.

Scope of the case

6. The complainant contacted the Commissioner on 23 March 2015 to complain about the way his request for information had been handled.
7. The Commissioner has considered whether the FCO is entitled to rely on section 23(1) as its basis for withholding the requested information.

Reasons for decision

8. Section 23 (1) states:

'Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).'

9. To engage the exemption at section 23(1), a public authority must be able to demonstrate that the relevant information *was directly or indirectly supplied by, or relates to* any of the bodies listed at section 23(3).
10. One of the Commissioner's most senior staff attended the offices of the FCO to view the withheld information. The nature of the information and its provenance were fully explained. The important point to note about section 23 is that it is a class-based exemption. The potential

¹ The FCO had sent another letter, apparently in error, on the same date which indicated that it needed further time to consider the balance of public interest in relation to section 24 (national security). The second letter, which set out reliance on section 23(1), explained that it had looked at section 24 in relation to information which was, in fact, not within the scope of the request. It sought to clarify this at internal review when the complainant asked about it.

consequences of disclosure are irrelevant, as a matter of law. Even the most unremarkable information, for example, the geographical location of GCHQ, would fall within the description of the class of information caught by the scope of section 23.

11. In light of the above, the Commissioner is satisfied that the requested information falls within the class of information described in section 23(1) and is therefore exempt under section 23(1).
12. Section 23(1) is an absolute exemption which means that there is no public interest test applicable.

Right of appeal

13. 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

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

14. 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.
15. 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
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SK9 5AF