

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 15 February 2021

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

Decision (including any steps ordered)

1. The complainant has requested expense information relating to Carrie Symonds. The Cabinet Office denied holding any information within the scope of the request and upheld this at internal review.
2. The Commissioner's decision is that the Cabinet Office does not hold any information within the scope of the request.
3. No steps are required.

Request and response

4. On 11 October 2019 the complainant requested information of the following description:

"I am sending this request under the Freedom of Information Act.

1) Please disclose all accounting lines, including item description and amount spent, in your finance system relating to the following:

a) Any expenses claimed by Carrie Symonds from 24 July 2019 to date.

b) Any spending on clothing or makeup for use by Carrie Symonds from 24 July 2019 to date.

c) Any expenditure on remodelling or renovating the Number 10 flat from 24 July 2019 to date.

2) Please state if Carrie Symonds has any staff paid from the by UK government. If so, please provide their job titles, salary and job descriptions.

Please send me this information by e-mail to [contact details provided], in a machine readable format such as .csv or .xlsx where appropriate.

If you have any queries about this request please contact me on [number provided].

If you are encountering practical difficulties complying with this request, please contact me so that we can discuss the matter and if necessary I can modify the request.”

5. On 8 November 2019, the Cabinet Office responded. It explained that it did not hold any information within the scope of the request.
6. On 9 November 2019, the complainant requested an internal review.
7. On 25 February 2020, the Cabinet Office sent him the outcome of its internal review. It upheld its original position.

Scope of the case

8. The complainant contacted the Commissioner on 28 February 2020 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether the Cabinet Office is correct when it says that it does not hold any information within the scope of the request.

Reasons for decision

Section 1 – general access to information

10. Section 1 of FOIA states that anyone making a request for information to a public authority is entitled to be informed whether the public authority holds the information, and, if so, to have that information communicated to them.
11. The Commissioner is mindful that when she receives a complaint alleging that a public authority has stated incorrectly that it does not hold the requested information, it is seldom possible to prove with absolute certainty whether the requested information is held. In such cases, the Commissioner will apply the normal civil standard of proof in

determining the case and will decide on the 'balance of probabilities' whether information is held.

12. The Commissioner's general approach to undertaking such an assessment is to consider the complainant's evidence and arguments; take account of the actions taken by the public authority to check whether the information is held and any other reasons offered by the public authority to explain why the information is not held; and consider any reason why it is inherently likely or unlikely that information is not held.
13. Accordingly, she asked the Cabinet Office to explain what enquiries it had made in order to reach the view that it did not hold the information. She did so with a series of detailed questions. These included asking whether the Cabinet Office had a business need or statutory obligation to hold this information and whether it had considered paper records as well as electronic ones. She also asked it to conduct fresh searches if its previous searches had not been thorough enough. The Commissioner is satisfied from the Cabinet Office's response that it took account of these points when maintaining its position.
14. The Cabinet Office explained that it had taken "Number 10 flat" to mean the 11 Downing Street flat which is the official residence of the current Prime Minister (Carrie Symonds, the subject of the request, is the partner of the current Prime Minister). It went on to explain that:

"During the relevant period Ms Symonds had made no expense claims, no remodelling or renovating of the current Prime Minister's official Downing Street residence had taken place and no staff had been paid for using taxpayers' money. No information, therefore, was ever held."
15. The complainant argued in their submission that previous partners of Prime Minister had incurred public spending and therefore it seemed unlikely that this was not the case in respect of Ms Symonds. He queried whether the Cabinet Office had done adequate searches.
16. The Commissioner notes that the request was whether there had been any expenditure on remodelling or renovating and not whether any work had taken place. However, despite this slight discrepancy in the use of words, the Commissioner is satisfied the Cabinet Office correctly understood what was being sought and that no information is held for this part of the request. The Commissioner is also satisfied that the Cabinet Office's conclusion that "no information, therefore, was ever held" refers to each of the four categories of requested information.
17. While she notes the complainant's scepticism, the Commissioner has seen no evidence to contradict the Cabinet Office's assertions above.

She has no evidence to contradict the Cabinet Office's assertion that Ms Symonds has made no expense claims during the period in question. She considers it entirely reasonable for the Cabinet Office to conclude that "Number 10 flat" was taken to mean the 11 Downing Street flat. She has concluded that, on the balance of probabilities, the Cabinet Office does not hold any information within the scope of the request.

18. That said, although it would be outside the scope of the request, the Cabinet Office could have addressed directly with the complainant whether there are any general allowance arrangements for the partner of the current Prime Minister as there may have been for the partners of previous Prime Ministers. This may have more adequately satisfied its obligations to provide advice and assistance in respect of the interest demonstrated by the request.

Other matters

19. The Commissioner notes that there was a significant delay in responding to the complainant's request for an internal review in respect of his request.
20. Part VI of the section 45 Code of Practice makes it desirable practice for a public authority to have a procedure in place for dealing with complaints about its handling of requests for information and that the procedure should encourage a prompt determination of the complaint.
21. As the Commissioner has made clear¹, she considers that these internal reviews should be completed as promptly as possible. While no explicit timescale is laid down by the FOIA, the Commissioner considers that a reasonable time for completing an internal review is 20 working days from the date of the request for review. In exceptional circumstances it may be reasonable to take longer but in no case should the time taken exceed 40 working days.
22. In this case, the request for an internal review was made on 9 November 2019 and the response was issued on 25 February 2020. The Commissioner notes that in this case, the time taken to respond was 73 working days.

¹ <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/#20>

23. The Commissioner has already repeatedly asked the Cabinet Office to ensure that future requests for internal reviews are handled appropriately and in accordance with her guidance. She expects the Cabinet Office to also take this into account in assessing its request handling processes.

Right of appeal

24. 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 123 4504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

25. 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.
26. 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

Alexander Ganotis
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF