

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 November 2022

Public Authority: UK Health Security Agency
Wellington House
133-155 Waterloo Road
London
SE1 8UG

Decision

1. The Commissioner's decision is that under section 1(3) of FOIA the UK Health Security Agency (UKHSA) was not obliged to comply with the request because the complainant had not provided it with the further information about the request that UKHSA had asked for. UKHSA provided adequate advice and assistance to the complainant in line with section 16(1).

Request and response

2. The complainant made the following information request to UKHSA on 9 December 2021:

"1. Since 2020, has the HSA agreed to receive funding or sponsorship from any of the following companies, or from subsidiaries of same or is currently negotiation to do so?

- a) Chevron
- b) ConocoPhillips
- c) BP
- d) ExxonMobil
- e) Royal Dutch Shell

2. If the answer to 1 is yes please specify which company, and provide the value of the sum and the project overview."
3. On 10 January 2022 and 1 February 2022 UKHSA cited section 1(3) of FOIA and asked the complainant to clarify which projects within UKHSA the companies referred to in the request may have engaged with or funded.
4. The complainant refused and said that UKHSA should be able to identify the requested information "easily" by liaising with Public Health England's "Investments and Approvals Sub Group" and "Partnerships team" as well as the UKHSA equivalents. (Public Health England was UKHSA's predecessor body.)
5. On 2 March 2022 UKHSA advised the complainant that the PHE internal governance bodies the complainant had referred to were no longer in operation and it was therefore not possible to liaise with them. UKHSA also confirmed that it had consulted its own current internal governance body which had advised that it could not respond to the request without clarification from the complainant.
6. The scope of UKHSA's work and various projects is published on its website¹. Rather than simply clarify their request by suggesting specific UKHSA projects that they consider might have engaged with or received funding from the organisations they cite in their request, the complainant submitted a complaint to the Commissioner.

Reasons for decision

7. Section 1(1) of FOIA obliges a public authority to confirm whether it holds information that has been requested and to communicate it to the applicant if it is held and is not exempt information.
8. However, section 1(3) provides that if a public authority reasonably requires further information in order to identify and locate the information requested, and has informed the applicant of that requirement, the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

¹ <https://research.ukhsa.gov.uk/partnerships/>

9. In the Commissioner's view, that UKHSA considered it needed more information from the complainant about their request was reasonable.
10. UKHSA explained that the PHE bodies the complainant had referred to no longer existed and its own governance body had confirmed that the request could not be addressed without more information. UKHSA advised the complainant it needed further information more than once but the complainant did not provide it.
11. Section 16(1) of FOIA obliges a public authority to provide an applicant with advice and assistance, where it is reasonable to do so. With regard to clarifying a request, the FOIA Code of Practice suggests that a public authority may ask for more detail to enable it to identify the information sought. In this case, UKHSA asked the complainant to give an indication of which of its project areas the companies cited in the request may have engaged with or funded. The Commissioner considers this was sufficient to meet the duty under section 16(1).
12. As such, the Commissioner is satisfied that, in line with section 1(3) of FOIA, UKHSA was not obliged to comply with the request and there was no breach of section 16(1).

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@justice.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

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