

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 February 2024

Public Authority: The Department for Levelling Up, Housing and Communities

Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant requested information from the Department for Levelling Up, Housing and Communities (DLUHC) relating to communications between Jacob Young MP and the Mayor of Tees Valley.
2. The Commissioner's decision is that, on the balance of probabilities, the DLUHC does not hold information within the scope of the request.
3. The Commissioner does not require the DLUHC to take any steps.

Request and response

4. On 14 November 2023, the complainant wrote to the DLUHC and requested information in the following terms:

“Please provide a copy of all

- Departmental emails
- Instant messages such as WhatsApps messages, texts, and Teams messages on government devices, and any on non-government platforms used for government business.
- Emails on any private email account used by Young for government business.

Between (to and from) Jacob Young and Ben Houchen concerning the work of Tees Valley Combined Authority, the South Tees Development Corporation, Teesworks, and Houchen's work as Mayor, from 18 September 2023 to date.”

5. The DLUHC denied holding information within the scope of the request.

Reasons for decision

6. This reasoning covers whether the DLUHC is correct when it says that it does not hold information within the scope of the request.

The complainant's position

7. The complainant considers the DLUHC to hold information within the scope of their request.
8. The complainant said that they believe it is likely that, when carrying out searches for relevant information falling within the scope of the request, the DLUHC did not contact Jacob Young at any point to ask them to search private accounts used for government business for information. The complainant says that this is despite them specifically asking in their request for information held on private platforms used for government business.
9. The complainant considers that, given that Jacob Young and Ben Houchen are close political allies, it is highly unlikely that the DLUHC does not hold any information within the scope of their request. They stated that Ben Houchen appointed Jacob Young as a board member of South Tees Development Corporation in 2020, and so they expect the

two parties to have had official contact during the time period covered by their request. The complainant considers there to be a strong public interest in the transparency about Ben Houchen and Jacob Young's interactions.

The DLUHC's position

10. In its submissions to the Commissioner, the DLUHC maintained its position that it does not hold any information within the scope of the request. It stated that Jacob Young has not communicated with Ben Houchen in his ministerial capacity.
11. The DLUHC explained that it has conducted searches of all platforms used for government business, specifically Jacob Young's email account and its central correspondence system, for information within the scope of the request. It confirmed that letters to ministers from external parties would be logged on its central correspondence system, as would any official responses from Jacob Young. The DLUHC explained that when conducting its searches, it used the search terms "Ben Houchen" and "Ben Houchen AND Teesworks". However, no information within the scope of the request was located.
12. The DLUHC also explained that Jacob Young was asked to conduct searches of any personal devices that may have been used for ministerial work for information within the scope of the request. The DLUHC has said that Jacob Young confirmed that he had not used his personal phone for communications with Ben Houchen regarding government business and therefore, no information within the scope of the request is held on his personal devices.
13. The DLUHC explained that it is standard practice for ministers to recuse themselves from issues relating to their constituency in line with paragraph 6.4 of the Ministerial Code. The DLUHC stated that, given this, as the member of parliament for Redcar, Jacob Young is recused from all departmental work relating to Teesside, and therefore, there is no business purpose for which he would have communicated with Ben Houchen, the Mayor of Tees Valley, in his role as Parliamentary Under Secretary of State for Levelling Up.

The Commissioner's position

14. The Commissioner notes that the complainant considers the DLUHC to hold information within the scope of the request as they expect Jacob Young and Ben Houchen to have communicated. However, the Commissioner is satisfied that the DLUHC has carried out reasonable searches for information within the scope of the request. He also

considers that when conducting its searches, the DLUHC used appropriate and relevant search terms.

15. Furthermore, the Commissioner notes that the DLUHC asked Jacob Young to search any personal devices used for ministerial work for information within the scope of the request and that he confirmed that no information within the scope of the request is held on his personal devices. The Commissioner also notes that Jacob Young is recused from all work relating to Teesside and so there is no business purpose for him to have communicated with Ben Houchen.
16. Therefore, the Commissioner's decision is that on the balance of probabilities, the DLUHC does not hold information within the scope of the request.

Right of appeal

17. 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

18. 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.
19. 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

Suzanne McKay
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF