

AUGUST 2019 FREEDOM OF INFORMATION RESPONSES

Year	Month	FOI Reference	Topic
2019	Aug	FOI/19/121	It software contracts
2019	Aug	FOI/19/122	Northern Ireland Policing Board: recruitment of independent members
2019	Aug	FOI/19/123	Communication campaigns
2019	Aug	FOI/19/124	Correspondence on Operation Kingfisher
2019	Aug	FOI/19/125	Most frequently visited websites
2019	Aug	FOI/19/126	Staffing: diversity and sustainability roles
2019	Aug	FOI/19/127	Gender neutral toilets
2019	Aug	FOI/19/128	Staffing grievances and complaints: compensation payments
2019	Aug	FOI/19/129	Brexit preparations: internal and consultants' reports
2019	Aug	FOI/19/130	Spending on LGBTQ rainbow flags
2019	Aug	FOI/19/131	Engagement with pro-life campaign groups
2019	Aug	FOI/19/132	Non-disclosure agreements
2019	Aug	FOI/19/134	Stormont talks negotiators: cancelled drinks event
2019	Aug	FOI/19/135	Organisational chart
2019	Aug	FOI/19/137	Management of public records: file closures
2019	Aug	FOI/19/139	Spending on pest control
2019	Aug	FOI/19/140	Ministerial visits within the United Kingdom
2019	Aug	FOI/19/141	Spending on General Data Protection Regulation implementation
2019	Aug	FOI/19/142	Ministerial visits to Northern Ireland
2019	Aug	FOI/19/143	Spending on items featuring the LGBTQ rainbow flag
2019	Aug	FOI/19/144	Spending on staff award ceremonies
2019	Aug	FOI/19/145	Staffing: sick days and overtime
2019	Aug	FOI/19/146	Ministerial instructions to Private Office staff
2019	Aug	FOI/19/147	Ministerial visits to Northern Ireland
2019	Aug	FOI/19/148	Spending on staff name plates
2019	Aug	FOI/19/152	Correspondence with the Democratic Unionist Party

2019	Aug	FOI/19/155	Staff dismissals
2019	Aug	FOI/19/156	Staffing: ethnicity breakdown
2019	Aug	FOI/19/157	First day ministerial briefings
2019	Aug	FOI/19/158	Cybersecurity incidents

FOI Request Reference	FOI/19/121
Month Issued	August 2019
Request	<i>This is an email to request information under the FOI Act.</i> <i>The information I'm requesting is regarding the software contracts that the organisation uses, for the following fields.</i> • Enterprise Resource Planning Software Solution (ERP): • Primary Customer Relationship Management Solution (CRM): <i>For example, Salesforce, Lagan CRM, Microsoft Dynamics; software of this nature.</i> • Primary Human Resources (HR) and Payroll Software Solution: <i>For example, iTrent, ResourceLink, HealthRoster; software of this nature.</i> • The organisation's primary corporate Finance Software Solution: <i>For example, Agresso, Integra, Sapphire Systems; software of this nature.</i> 1. Name of Supplier: <i>Can you please provide me with the software provider for each contract?</i> 2. The brand of the software: <i>Can you please provide me with the actual name of the software. Please do not provide me with the supplier name again please provide me with the actual software name.</i> 3. Description of the contract: <i>Can you please provide me with detailed information about this contract and please state if upgrade, maintenance and support is included. Please also list the software modules included in these contracts.</i> 4. Number of Users/Licenses: <i>What is the total number of user/licenses for this contract?</i> 5. Annual Spend: <i>What is the annual <u>average</u> spend for each contract?</i> 6. Contract Duration: <i>What is the duration of the contract please include any available extensions within the contract.</i> 7. Contract Start Date: <i>What is the start date of this contract? Please include month and year of the contract. DD-MM-YY or MM-YY.</i> 8. Contract Expiry: <i>What is the expiry date of this contract? Please include month and year of the contract. DD-MM-YY or MM-YY.</i> 9. Contract Review Date: <i>What is the review date of this contract? Please include month and year of the contract. If this cannot be provide please provide me estimates of when the contract is likely to be reviewed. DD-MM-YY or MM-YY.</i> 10. Contact Details: <i>I require the full contact details of the person within the organisation responsible for this particular software contract (name, job title, email, contact number).</i> <i>Regarding the contract for your financial systems, please answer these questions to the best of your ability.</i>
Response	The Northern Ireland Office does not use ERP or CRM solutions

	The primary HR and payroll software used by the Northern Ireland Office is provided by the Ministry of Justice. The information requested is, therefore not held by this department. This information may be available from the Ministry of justice who can be contacted at data.access@justice.gov.uk. The Northern Ireland Office receives their managed corporate finance solution from IT Assist (ITA), which is a service provided by Enterprise Shared Services, a body within the Department of Finance, Northern Ireland. The information requested is, therefore, not held by this department. This information may be available from the Department of Finance, Northern Ireland who can be contacted at foi@finance-ni.gov.uk
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FOI Request Reference	FOI/19/122
Month Issued	August 2019
Request	<i>I wish to make an FOI request for documentation related to the most recent recruitment exercise for independent members of the Northern Ireland Policing Board.</i> <i>I would seek to access documents, emails, all records as follows:</i> <i>1. The information provided to the Secretary of State for the decision making process to appoint the first 3 members in November 2018;</i> <i>2. The list of consultees related to the decision for a fresh recruitment and the outcome report/documentation re same.</i> <i>3. The equality screening conducted in relation to the decision being taken to stand down the pool</i> <i>4. The criteria/rationale used by the Secretary of State to make the selection from the pool.</i> <i>5. The record of the meetings where decisions took place regarding to the selection of the initial 3 members appointed and the subsequent decisions to stand down the pool.</i>
Response	I can confirm that the department holds information that you have asked for, but it is exempt from disclosure. We are not obliged to provide information if it relates to the formulation of government policy. In this case, the information is exempt under section 35 (1) (a) of the Freedom of Information Act. Section 35(1) (a) protects information relating to the formulation or development of government policy. We have considered the public interest in disclosing this information. There is a public interest in the way in which government decisions are made and how relationships with other stakeholders are conducted. Disclosure would help the public to appreciate the considerations surrounding policy discussions, and the context in which Ministers operate. There is also a public interest in

how decisions are made, at what level, and the reasons behind these decisions so that government officials can be more accountable for their decisions and responsibilities.

Release of the information could demonstrate the quality of advice provided by the Department. However, these factors are of modest weight in this case, as the NIO proactively publishes information about the Departmental structure, Ministers make regular statements to Parliament (both oral and in writing) on policy issues - setting out rationale and responding to questioning along those lines, and make themselves available for frequent media engagement. The department also responds to public inquiries on a range of matters through Treat Officials and Minister's Cases, and undertakes structured engagement with a wide range of relevant interlocutors.

After careful consideration we have concluded that s35 (1) (a) is engaged and it is in the public interest to withhold the documents.

In line with the terms of this exemption in the Freedom of Information Act, we have also considered whether it would be in the public interest for us to provide you with the information, despite the exemption being applicable. In this case, we have concluded that the public interest favours withholding the information.

You can find out more about Section 35 by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/35>

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- The value of transparency in public policy making.

Public interest considerations favouring withholding the information

- The safe space argument is relevant in this case, and is strongest when the issue is current/live or in the early stages, which is a factor here. The weight of this factor will diminish over time.

We reached the view that, on balance, the public interest is better served by withholding this information under Section 35 of the Act at this time.

FOI Request Reference	FOI/19/123
Month Issued	August 2019
Request	<i>My FOI is about communications campaigns run by your department.</i> <i>1. Could you please give me a list of all the campaigns run by your department since May 2015?</i> <i>2. Could you give me a breakdown of expenditure on each campaign?</i> <i>3. Could you tell me the key objectives of each campaign and its duration?</i> <i>4. Could you also tell me what impact assessment was used for each of these campaigns?</i>
Response	Freedom of information law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3.5 working days' worth of work, calculated at £25 per hour) to identify, locate, extract and then provide the information that has been asked for in a request (section 12 FOIA). The decision to decline this request under section 12(1) of the FOI Act has been made because the information requested is not held in as much detail as stated above and the time required to acquire much of it, for the time period requested, would exceed the 3.5 working days' worth of work to identify, locate, extract and amalgamate into the format requested. Although we cannot answer your request at the moment, we might be able to answer a further refined request within the cost limit. You may wish to reconsider the scope of your FOI request and submit a revised and more targeted request by providing a shorter timeframe/date range or more specific types of stakeholders. You should not infer from this that the Northern Ireland Office holds a large amount of information relating to the subjects you have asked about, only that we would need to search through a large number of records in order to find out whether we hold any information relevant to your request. You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act, available at Cost limits. Please note that, as in this instance, a further refined request may still not fall within the FOIA cost limit. <u>ADDITIONAL INFORMATION ABOUT SECTION 12(1)</u>

We have provided below additional information about Section 12 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities

- (1) Any person making a request for information to a public authority is entitled—
 - (a) to be informed in writing by the public authority 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.

Section 12: Cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
 - a) by one person, or
 - b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Guidance

The appropriate limit

The 'appropriate limit', for the purposes of section 12 of the Freedom of Information Act has been set at:

- £600 for central government and Parliament.

	• The hourly rate is set at £25 per person per hour. The following activities may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded. • determining whether it holds the information requested • locating the information or documents containing the information • retrieving such information or documents • extracting the information from the document containing it.
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FOI Request Reference	FOI/19/124
Month Issued	August 2019
Request	<i>Please send me copies of all correspondence between your department and the Treasury relating to Project Kingfisher (otherwise also known as Operation Kingfisher) since 1 Jan 2018</i>
Response	Freedom of information law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3.5 working days' worth of work, calculated at £25 per hour) to identify, locate, extract and then provide the information that has been asked for in a request (section 12 FOIA). In relation to your request, we have made the decision to decline your request on this basis, as to comply with the request and to enable us to identify whether we hold any such information, officials would be required to open and read a range of documents held by several colleagues, as well as the department's ministers and their Private Offices, and this would involve a large amount of different records individually stored in a number of locations, and given the scope of your request, even to just collate a list of the documents we may hold within scope of this request, we consider this would cost over £600. Although we cannot answer your request at the moment, we might be able to answer a further refined request within the cost limit. You may wish to reconsider the scope of your FOI request and submit a revised and more targeted request, for example by refining the specific types of correspondence you are seeking access to, or correspondence between the NIO and specific stakeholders and/or departments you are seeking access to, or specific key phrases/terms for us to use in searching our records. You can find out more about Section 12 of the FOIA by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act, available at Cost limits.

ADDITIONAL INFORMATION ABOUT SECTION 12(1)

We have provided below additional information about Section 12 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities

- (1) Any person making a request for information to a public authority is entitled—
 - (a) to be informed in writing by the public authority 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.

Section 12: Cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
 - a) by one person, or
 - b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Guidance

The appropriate limit

The 'appropriate limit', for the purposes of section 12 of the Freedom of Information Act has been set at:

	• £600 for central government and Parliament. • The hourly rate is set at £25 per person per hour. The following activities may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded. • determining whether it holds the information requested • locating the information or documents containing the information • retrieving such information or documents • extracting the information from the document containing it.
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FOI Request Reference	FOI/19/125
Month Issued	August 2019
Request	<i>I am writing to you under the Freedom of Information Act 2000 to request the following information from your organisation:</i> <i>1. The top 10 most visited websites from departmental computers in the last 6 months</i> <i>For clarity, a visit is to each domain, not each page on a domain. For example, a visit to www.samplewebsite.com/page1 would be counted as a visit to www.samplewebsite.com</i> <i>2. The number of visits to each of the above top 10 domains</i> <i>3. The number of visits to each of the following other domains in the last 6 months:</i> <i>1. www.breitbart.com</i> <i>2. www.thecanary.co</i> <i>3. www.skwawkbox.org</i> <i>4. www.qab.com</i> <i>5. www.novaramedia.com</i> <i>6. www.tr.news</i> <i>7. www.therebel.media</i> <i>8. www.evolvepolitics.com</i> <i>9. www.politicalite.com</i> <i>10. www.westmonster.com</i>
Response	The Northern Ireland Office received managed ICT services from IT Assist (ITA), which is a service provided by Enterprise Shared Services, a body within the Department of Finance, Northern Ireland. The information requested is, therefore, not held

	by this department. This information may be available from the Department of Finance, Northern Ireland who can be contacted at foi@finance-ni.gov.uk
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FOI Request Reference	FOI/19/126
Month Issued	August 2019
Request	<i>This is an information request relating to job titles.</i> <i>Please include the following information:</i> • <i>The number of staff with 'diversity' in their job title</i> • <i>The number of staff with 'sustainability' in their job title</i> • <i>The number of staff who have both 'diversity' and 'sustainability' in their job title</i> <i>Staff includes full and part time employees.</i>
Response	In response to your questions there are no members of staff who have either 'diversity' or 'sustainability' or both in their job titles. The NIO understands the importance of diversity and sustainability in the workplace, placing an emphasis on being an organisation that is open and inclusive, as well as understanding its corporate responsibility as a department. There is a requirement that every member of staff has a diversity objective as part of their performance agreement and we have a number of Diversity advocates, in a voluntary capacity, who continually raise the profile of diversity within the Department.

FOI Request Reference	FOI/19/127
Month Issued	August 2019
Request	<i>This is an information request relating to gender neutral toilets.</i> <i>Please include the following information:</i> • <i>The total number of gender neutral toilets in the entirety of the department's properties in 2018-19.</i> • <i>The total number of gender neutral toilets in the entirety of the department's properties in 2013-14.</i> • <i>The costs associated with creating gender neutral toilets between 2013-14 and 2018-19.</i> <i>A gender neutral toilet is one that is not separated by gender or sex.</i>

Response	The Northern Ireland Office has a total of 12 gender neutral toilets within the department's property in Belfast during the period 2013-2014 and 2018-2019. There has been no cost incurred with creating gender neutral toilets between 2013-2014 and 2018-2019. The department is also a tenant in 1 Horse Guards Road, London a building managed by HM Treasury, the information is therefore not held by the NIO but may be obtained from foirequests@hmtreasury.gov.uk
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FOI Request Reference	FOI/19/128
Month Issued	August 2019
Request	<i>Under the Freedom of Information Act, I would like to request details of compensation paid following grievances or complaints brought by staff.</i> <i>In each year from 2012 to present, please disclose the following:</i> <i>1. The number of compensation pay-outs to staff.</i> <i>2. The total value of these compensation pay-outs.</i> <i>3. For each pay-out, please disclose:</i> <i>• The amount awarded</i> <i>• Whether it was awarded as part of a court settlement, or whether it was an out-of-court settlement.</i>
Response	In respect of your request, we are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 (DPA). In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40 (2) is engaged. The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

FOI Request Reference	FOI/19/129
Month Issued	August 2019
Request	<i>I would like to request the following formation under the Freedom of Information Act 2000:</i> <i>• Any internal documents or consultancy contracts which refer to the impact of a no-deal Brexit if government preparations are not yet finalised.</i> <i>• Any reports produced as a result of such consultancy contracts.</i>

Response	The law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3.5 working days' worth of work, calculated at £25 per hour) to identify, locate, extract and then provide the information that has been asked for. To comply with the request and to enable us to identify whether we hold any such material, officials would be required to open and read a large amount of records individually. You should not infer from this that the Northern Ireland Office holds a large amount of information relating to the subjects you have asked about, only that we would need to search through a large amount of records in order to find out whether we hold any information relevant to your request. You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act, available at Cost limits. Although we cannot answer your request at the moment, we might be able to answer a further refined request within the cost limit. You may wish to consider a timeframe for the request, clarify what types of internal documents you require, provide a series of key phrases for us to search for. Please note that, as in this instance, a further refined request may still not fall within the FOIA cost limit.
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FOI Request Reference	FOI/19/130
Month Issued	August 2019
Request	<i>This is an information request relating to flags.</i> <i>Please include the following information:</i> <i>The cost of rainbow (LGBTQ) flags that were purchased in 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19.</i> <i>How many rainbow (LGBTQ) flags the department currently owns.</i> <i>How many times the rainbow (LGBTQ) flag has been flown from the headquarters of your department in London in 2015, 2016, 2017, 2018 and 2019.</i>

Response	The NIO borrowed a rainbow (LGBTQ) flag in 2017-18 which was flown from our headquarters in Belfast in 2017 for one day. The department bought a flag at a cost of £4.99 which was then flown for one day in 2018 and 2019. No other rainbow (LGBTQ) flags are owned or borrowed by the department.
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FOI Request Reference	FOI/19/131
Month Issued	August 2019
Request	<i>I would like to request the Northern Ireland Office provide me with a list of contacts between:</i> • <i>SPUC Pro Life Limited</i> • <i>SPUC Education and Research Trust</i> <i>And ministers, officials and management in the Equalities Office between 01 June 2017 and 10 July 2019.</i> <i>Please can that list include:</i> • <i>Meetings</i> • <i>Correspondence by letter</i> • <i>Electronic correspondence</i>
Response	The Freedom of Information Act allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3.5 working days' worth of work, calculated at £25 per hour) to identify, locate, extract and then provide the information that has been asked for. To comply with the request and to enable us to identify whether we hold any such material, officials would be required to open and read a large amount of records individually. You should not infer from this that the Northern Ireland Office holds a large amount of information relating to the subjects you have asked about, only that we would need to search through a large amount of records in order to find out whether we hold any information relevant to your request. You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act, available at Cost limits.

	Although we cannot answer your request at the moment, we might be able to answer a further refined request within the cost limit. For example, you may wish to consider a shorter timeframe for the request, or to specify that you would like correspondence to or from specific individuals or teams. Please note that, as in this instance, a further refined request may still not fall within the FOIA cost limit.
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FOI Request Reference	FOI/19/132
Month Issued	August 2019
Request	<i>Under the Freedom of Information Act, please could you tell me the numbers of staff that have left this department under a non-disclosure agreement? Please give the numbers for 2017, 2018 and 2019 to date.</i> <i>Please provide the associated costs, i.e. the agreed compensation.</i>
Response	In respect of your request regarding the number of staff who have left the department under a non-disclosure agreement for the years 2017, 2018 and 2019 we are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 (DPA). In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40 (2) is engaged. The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

FOI Request Reference	FOI/19/134
Month Issued	August 2019
Request	<i>Please provide all emails regarding the planned and subsequently cancelled drinks event for Stormont talks negotiators on 18 June 2019.</i>
Response	Your request has been handled under the Freedom of Information Act 2000 (FOIA). The law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3.5 working days' worth of work, calculated at £25 per hour) to identify, locate, extract and then provide the information that has been asked for. To comply with the request and to enable us to identify whether we hold any such material, officials across the entire Department would be required to open and read a large amount of records individually. You should not infer from this that the Northern Ireland Office holds a large amount of information relating to the subjects you have asked about, only that we would need to search through a large amount of records in order to find out whether we hold any information relevant to your request.

	You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act, available at Cost limits. Although we cannot answer your request at the moment, we might be able to answer a further refined request within the cost limit. You may wish to consider a timeframe for the request, indicating a specific team within the Department to include in the search. The NIO's Annual Report and Accounts includes some information on how the Department is structured, which you may find useful: https://www.gov.uk/government/publications/nio-annual-report-and-accounts-2017-18. Please note that, as in this instance, a further refined request may still not fall within the FOIA cost limit.
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FOI Request Reference	FOI/19/135
Month Issued	August 2019
Request	<i>Under the Freedom of Information Act 2000, I would be grateful for an organisational chart for the Northern Ireland Office staff.</i>
Response	I can confirm we do hold the information requested, however this information is exempt under Section 21 (Information reasonably accessible to the applicant by other means). The information is available at: ARA for 2017/18 You can find out more about Section 21 by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. <u>EXPLANATION OF FOIA - SECTION 21 – INFORMATION ACCESSIBLE BY OTHER MEANS</u> We have provided below additional information about Section 21 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful. The legislation <u>Section 1: Right of Access to information held by public authorities</u> (1) Any person making a request for information to a public authority is entitled— a) to be informed in writing by the public authority 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.

Section 21: Information accessible to applicant by other means

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1
- (2) For the purposes of subsection (1)—
 - a) Information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - b) Information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
- (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2) (b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Guidance

Section 21 exempts information from the right of access under the Freedom of Information Act if that information is reasonably accessible to the applicant by other means.

Section 21 is aimed at preserving intact all existing laws providing access to information. The Freedom of Information Act is not designed to subsume other legal access rights, nor to give alternative routes of access where existing regimes are already available. The Freedom of Information Act access rights build on, but do not replace, previous access rights. Those existing rights, and the separate procedural regimes which are tailored to them, continue in place, and the Freedom of Information Act observes corresponding limits to its role.

Section 21 also confirms that the Freedom of Information Act does not provide alternative means of access to information which is already freely available, either through commercial publishing operations or through existing publicly funded provision. The Freedom of Information Act rights are designed to supplement, and not to duplicate, the usual flow of information to the public through the commercial electronic and print media, and through existing library and archive services.

Section 21 is an absolute exemption, which means that no consideration of the public interest test is required to withhold information.

Month Issued	August 2019
Request	<i>I would be grateful if you would furnish me with the following:</i> <i>As part of the management of public records:</i> <i>1. How many files has the Secretary of State for Northern Ireland and/or the Northern Ireland Office recommended should be withheld from the public since the signing of the Stormont House Agreement on 23rd December 2014? I would be grateful if these figures were broken into the years 2014, 2015, 2016, 2017, 2018 and to date 2019.</i> <i>2. How many of these files, recommended for closure, were subsequently closed?</i> <i>3. How many of those files now reside in Kew?</i> <i>4. How many of those files have an open description?</i> <i>5. Please quantify the stated reasons for which files were closed? As there are only two reasons for closing files, how many files fell under which category or both?</i> <i>6. How many of the files relate to conflict killings, and what have come to be known as "legacy cases"?</i> <i>7. Have you personally seen and recommended the closing of files during your tenure? If so how many have you signed?</i>
Response	Your request has been handled under the Freedom of Information Act 2000 (FOIA). However because the cost of complying with your request in its current form would exceed the limit set by the Freedom of Information Act, on this occasion we are afraid that we will not be taking your request further. The law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3 ½ working days' worth of work, calculated at £25 per hour) to identify, locate, extract, and then provide the information that has been asked for. We believe we would be able to comply with the majority of your request within the cost limit, other than the two questions at paragraphs five and six where you have asked us to quantify the stated reasons for which files were closed (para. 5), and to quantify how many of any relevant files relate to conflict killings or "legacy cases" (para. 6). To comply with this part of the request and to enable us to identify whether we hold any such material, officials would be required to manually review and collate large volumes of data, and open and read a large amount of records individually. You should not infer from this that the Northern Ireland Office holds a large amount of information relating to the subjects you have asked about, only that we would need to search through a large amount of records in order to find information relevant to your request.

	Although we cannot answer your request in its current form we may be able to answer a refined request. You may wish to consider removing or separating out into a separate request (or requests) your questions at paragraphs five and six and resubmitting. Please note that a separate request may still not fall within the FOIA cost limit. You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act, available at Cost limits. Please also be aware that if the Northern Ireland Office did locate information related to a refined request this information may be withheld if it is considered that any of the exemptions in the FOIA apply.
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FOI Request Reference	FOI/19/139
Month Issued	August 2019
Request	<i>This is an FOI request with two parts. If cost limits are likely to be breached please prioritise the first part.</i> <i>ONE</i> <i>Please can you provide me with your organisation's total spend on pest control at your main offices over the last three years. This is likely to fall within your facilities or maintenance budgets.</i> <i>For avoidance of doubt, I am looking for all spend on eliminating animals or insects from your buildings or properties - rats, mice, pigeons, any insects, etc.</i> <i>By 'main offices' I mean your London offices and any other significant offices you might have in other UK cities. I do not mean, for example, schools, embassies, courts, etc.</i> <i>Please break this down:</i> <i>1. By year.</i> <i>Please provide this information in calendar years, unless it is not in calendar years and it will put this over the cost limit to convert it into calendar years.</i> <i>If I can have it in calendar years, please give me the data for 2018, 2017 and 2016.</i>

If it has to be in financial years, please give me the data for 2018/19, 2017/18, and 2016/17.

and

2. By office, giving the name and address for each.

And for each site, please also give details of what pests were tackled at that site. I appreciate that you may not have this information for every site, but please provide what you can.

So, if you had ordered pest control on two of your main offices over the last three years, I might expect your response to look like the below [but with the names and addresses of offices included]:

2018 -

Building A - £100 - rats

Building B - £200 - cockroaches

Total - £300

2017

Building A - £50 - rats

Building B - £150 - mice

Total - £200

2016

Building A - £20 - snails

Building B - £200 - mice

Total - £220

Overall total - £720.

TWO

- Please can you provide me with your department's total spend on pest control over the past three years - relating to all properties you have ordered pest control on, not just your main offices.*

Again, can you break this down by year as detailed above?

	<i>In this instance, for each year, can you provide the three sites on which most money was spent on pest control, how much was spent on each one, and, if possible, what pests were being tackled there.</i>
Response	The Northern Ireland Office (Stormont House, Belfast) have spent the following on pest control within the department's property. 2016-2017 Stormont House – £455.76 Planned preventative maintenance Wasps – £65.23 / Birds – £114.07 Total – £635.06 2017-2018 Stormont House – £694.56 Planned preventative maintenance /Birds – £465.22 Total – £1159.78 2018-2019 Stormont House – £720.03 Planned preventative maintenance /Rodents – £226.34 Total – £946.37 Overall total – £2741.21 We are also tenants in 1 Horse Guards Road, London. Frameworks at this location are procured by the landlord, HM Treasury, therefore the requested information is not held by this Department. HMT can be contacted on foirequests@hmtreasury.gov.uk
FOI Request Reference	FOI/19/140
Month Issued	August 2019
Request	<i>Can I please request:</i> <i>An electronic spreadsheet file (e.g. Excel file) containing information about each trip taken within the UK by a minister within your department on official duties, from 1 January 2019 to 31 March 2019.</i> <i>To include in separate columns:</i>

	• Name of minister • Full address of destination • Start date of trip • Purpose of trip <i>If a minister who served during this time period made no UK trips on ministerial duties, please state their name with the entry 'No trips taken within UK'</i> <i>A ministerial trip within the UK meaning: an engagement while on ministerial duties to any location in the UK except central Government or UK Parliamentary premises, regardless of the length of time of the trip.</i>
Response	The Northern Ireland Office does not hold the information in the format you have requested. However, the department publishes transparency returns, including details of external engagements, on a quarterly basis. The link is provided below: https://www.gov.uk/search/all?organisations%5B%5D=northern-ireland-office&order=updated-newest&parent=northern-ireland-office Section 21 of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

FOI Request Reference	FOI/19/141
Month Issued	August 2019
Request	<i>I would like to know the following under the FOI act.</i> <i>Total amount spent on implementing/managing The General Data Protection Regulation (GDPR) by your organisation over the last three financial years, broken down by year FY 16-17, FY 17-18 and FY 18-19.</i> <i>If possible please include a breakdown of spend e.g. £XX on training, £XX on staff costs etc.</i>
Response	The Northern Ireland Office recorded no spend in respect of the implementation of the General Data Protection Regulation (GDPR) for the financial years 2016/17 and 2017/18. For the financial year 2018/2019, the department recorded a spend of £1495 on GDPR training.

FOI Request Reference	FOI/19/142
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Month Issued	August 2019
Request	<i>I'd like to make a freedom of information request regarding time spent in Northern Ireland by Karen Bradley whilst she was Secretary of State for Northern Ireland</i> <i>How many nights, by calendar year, did she spend in Northern Ireland during her tenure (presumably whilst on official business</i>
Response	According to our records, Karen Bradley spent 70 nights in Northern Ireland while Secretary of State.

FOI Request Reference	FOI/19/143
Month Issued	August 2019
Request	<i>This is an information request relating to stationery and branding.</i> <i>Please include the following information:</i> • <i>How many rainbow (LGBTQ) lanyards have been purchased by the department, and at what cost in 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?</i> • <i>How many business cards for staff have been printed with the rainbow (LGBTQ) flag on them, and at what cost in 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?</i> • <i>How many other pieces of stationery have the rainbow (LGBTQ) flag on them that have been purchased by the department, and at what cost in 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19?</i> <i>Other pieces of stationery includes, but is not limited to, pens, pencils, sheets of paper, rulers, rubbers and pencil sharpeners.</i>
Response	The NIO purchased 200 rainbow lanyards in 2018-19 at a total cost of £318. No other purchases have been made for stationery items including business cards with a printed rainbow flag on them.

FOI Request Reference	FOI/19/144
Month Issued	August 2019
Request	<i>This is an information request relating to award ceremonies.</i> <i>Please include the following information:</i> 1. <i>The total number of award ceremonies for members of staff in 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19.</i>

	2. <i>The cost for each award ceremony in 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19. Please itemise the costs for each ceremony in the following way:</i> • <i>Food</i> • <i>Drinks (alcoholic)</i> • <i>Drinks (non-alcoholic)</i> • <i>Entertainment (such as live music)</i> • <i>Hiring of event space(s)</i>
Response	The NIO has not held any award ceremonies for members of staff.

FOI Request Reference	FOI/19/145
Month Issued	August 2019
Request	<i>I would like to request information under the FOI act. My questions are below. (When I say "department," I am referring to the Northern Ireland Office.)</i> <i>1. How many sick days have civil servants in this department taken this year from Jan 1st up to 31st May 2019?</i> <i>2. What was the equivalent number of sick days taken in the same time period (Jan 1st - May 31) in a) 2018; b) 2017; c) 2016; d) 2015; e) 2014?</i> <i>3. How many sick days did civil servants in the department take in total in a) 2014; b) 2015; c) 2016; d) 2017; e) 2018?</i> <i>4. Have any additional measures been taken by the department, in 2019, to help civil servants deal with stress?</i> <i>5. How much overtime did civil servants in the department work this year from Jan 1st up to 31 May 2019?</i> <i>6. What is the equivalent number of overtime worked in the same time period (Jan 1st - May 31) in a) 2018; b) 2017; c) 2016; d) 2015; e) 2014?</i> <i>7. How much overtime did civil servants in the department work in total in a) 2014; b) 2015; c) 2016; d) 2017; e) 2018?</i>
Response	The Act, specifically Section 12(1), allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3.5 working days' worth of work, calculated at £25 per hour) to identify, locate, extract and then provide the information that has been asked for. However because the cost of complying with your request in its current form would exceed the limit set by the Freedom of Information Act), on this occasion we are afraid that we will not be taking your request further. We believe we would be able to comply with the majority of your request within the cost limit, other than questions 5, 6 and 7 which are in relation to employee overtime information, over a number of years. To comply with this part of the request and to enable us to identify whether we hold any such material, officials across the Department would be required to locate,

	analyse and extract a large number of records. You should not infer from this that the Northern Ireland Office holds a large amount of information relating to the subjects you have asked about, only that we would need to search through a large amount of records in order to find information relevant to your request. Although we cannot answer your request in its current form we may be able to answer a refined request. You may wish to consider removing or separating out into a separate request (or requests) questions 5, 6 and 7 and resubmitting. Please note that a separate request may still not fall within the FOIA cost limit. You can find out more about Section 12(1) by reading the full text of the Act, available at Cost limits. Please also be aware that if the Northern Ireland Office did locate information related to a refined request this information may be withheld if it is considered that any of the exemptions in the FOIA apply.
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FOI Request Reference	FOI/19/146
Month Issued	August 2019
Request	<i>Could you please send me all memos and correspondence from the new Secretary of State to staff in their private office sent from their appointment on Wednesday 24th July to the end of Tuesday 30th July 2019 regarding any instructions on the follow:</i> <i>Correspondence and style guides</i> <i>Nutritional habits including the serving of food and drinks</i> <i>Office administration</i> <i>Standards of dress within the office</i>
Response	I can confirm that the department holds information that you have asked for, but unfortunately it is exempt from disclosure. We are not obliged to provide information if it relates to the formulation of government policy. In this case, the information relates to section 35 (1) (d) of the FOI Act, the operation of any Ministerial private office. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors: <u>Public interest considerations favouring disclosure</u> The value of transparency in public policy making.

	<u>Public interest considerations favouring withholding the information</u> The safe space argument is relevant in this case, and harm to the effectiveness of the private office We reached the view that, on balance, the public interest is better served by withholding this information under Section 35 of the Act at this time. You can find out more about Section 35 by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act, available at http://www.legislation.gov.uk/ukpga/2000/36/section/35.
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FOI Request Reference	FOI/19/147
Month Issued	August 2019
Request	<i>Please accept this as a request for information under the FOI Act for ALL INFORMATION relating to Julian Smith visit in Northern Ireland between the dates of 30th July to 31st July 2019.</i> <i>If you could amongst that provide;</i> <i>A full itinerary</i> <i>Details of all meetings including all those present</i> <i>An itemised list of all costs associated with Julian Smith's visit</i>
Response	Your request has been handled under the Freedom of Information Act 2000 (FOIA). <i>a) A full itinerary:</i> We do not hold a document containing the full itinerary. However, The Secretary of State made external visits to Corporation Ireland, where he met with Peter Sheridan (CEO of Co-operation Ireland) and young people, and Ballymena Showgrounds, where he met players, organisers and supporters during the NI Super Cup. The rest of his schedule was filled by internal departmental or private meetings. <i>b) Details of all meetings, including those present:</i> I can confirm that the department holds information that you have asked for, but it is exempt from disclosure.

	We are not obliged to provide information if it relates to the formulation of government policy. In this case, the information is exempt under section 35(1) (a) of the FOIA. Section 35(1) (a) protects information relating to the formulation or development of government policy. We have considered the public interest in disclosing this information. <u>Public interest considerations in favour of disclosure</u> While there is a public interest in the way in which government decisions are made and how relationships with other stakeholders are conducted, good government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure of matters that are subject to the ongoing formulation of government policy. <u>Public interest considerations against disclosure</u> Ministers and officials also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off better options; and that there needs to be a free space in which it is possible to 'think the unthinkable' and use imagination, without the fear that policy proposals will be held up to ridicule from premature disclosure. After careful consideration we have concluded that s 35(a) is engaged and it is in the public interest to withhold the documents. If you require further guidance on S.35 please refer to the guidance at the end of this letter and the ICO guidance on 'section 35' at https://ico.org.uk/media/for-organisations/documents/2260003/section-35-government-policy.pdf c) <i>An itemised list of all costs associated with Julian Smith's visit:</i> This information is not held.
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FOI Request Reference	FOI/19/148
Month Issued	August 2019
Request	<i>This is an information request relating to name plates.</i> <i>Please include the following information:</i> <i>The total number of name plates for members of staff in 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19.</i>

	<i>The cost for each name plate for members of staff in 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19.</i> <i>Names plates are those that are immobile and attached to doors.</i> <i>If it is not possible to disaggregate the spending on each nameplate, please provide an aggregate spend on name plates for each financial year.</i>
Response	The department did not purchase any name plates for staff during the periods highlighted.

FOI Request Reference	FOI/19/152
Month Issued	August 2019
Request	<i>I would like to submit a Freedom of Information request in relation to correspondence sent and received between the Northern Ireland Office and the Democratic Unionist Party in Northern Ireland - including correspondence from advisors, ministers, aides and officials - between January 1 2017 and August 1 2019.</i>
Response	Your request has been handled under the Freedom of Information Act 2000 (FOIA). The law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3.5 working days' worth of work, calculated at £25 per hour) to identify, locate, extract and then provide the information that has been asked for. To comply with the request and to enable us to identify whether we hold any such material, officials would be required to open and read a large amount of records individually. You should not infer from this that the Northern Ireland Office holds a large amount of information relating to the subjects you have asked about, only that we would need to search through a large amount of records in order to find out whether we hold any information relevant to your request. You can find out more about Section 12(1) by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information by reading the full text of the Act, available at Cost limits. Although we cannot answer your request at the moment, we might be able to answer a further refined request within the cost limit. For example, you may wish to consider a shorter timeframe for the request, specify correspondence to or from specific

individuals, or perhaps provide a series of key phrases for us to search. Please note that, as in this instance, a further refined request may still not fall within the FOIA cost limit.

ADDITIONAL INFORMATION ABOUT SECTION 12(1)

We have provided below additional information about Section 12 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities

- (1) Any person making a request for information to a public authority is entitled—
 - (a) to be informed in writing by the public authority 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.

Section 12: Cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
 - (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Guidance

	<u>The appropriate limit</u> The 'appropriate limit', for the purposes of section 12 of the Freedom of Information Act has been set at: • £600 for central government and Parliament. • The hourly rate is set at £25 per person per hour. The following activities may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded. • Determining whether it holds the information requested • Locating the information or documents containing the information • Retrieving such information or documents • Extracting the information from the document containing it.
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FOI Request Reference	FOI/19/155
Month Issued	August 2019
Request	<i>This is a freedom of information request.</i> <i>For each of the last five years please let me know:</i> <i>How many staff members, contractors, employees, or anyone else carrying out work for you, have been dismissed. By this I mean fired, sacked, having their contract terminated early due to a decision taken by management, etc. I do not mean anyone who was made redundant, who decided to leave of their own accord, etc.</i> <i>Please present this by year, ideally as a table for each year showing how many people were dismissed, and for each of those people - what type of worker they were (staff, contractor, etc), their role within the organisation, and the reason they were let go (in as much detail as is possible within the various constraints).</i> <i>If it is not possible to provide the information about why they were let go along with the other information, perhaps you could provide it as a separate table so the reason is not linked to the job title.</i> <i>Please provide this by calendar year unless this is impossible in which case please do so by financial year.</i>

Response	In respect of your request regarding the number of staff who were dismissed in the last five years, the information you require is exempt from disclosure under section 40(2) of the FOIA. The information held relates to five or fewer members of staff, therefore there is a risk that individuals subject to this information could be identified. We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing it would contravene any of the Data Protection Principles under the Data Protection Act 1998 (DPA). In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40(2) is engaged. The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.
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FOI Request Reference	FOI/19/156
Month Issued	August 2019
Request	<i>This is a freedom of information request.</i> <i>Please provide a breakdown of what number of your staff identify as which ethnicities/races.</i> <i>Please provide this information for your staff as a whole, giving numbers for each ethnicity which add to the total number of staff working for you.</i> <i>Then please break this down by seniority levels. Please identify the seniority bands into which you break your staff (eg, grade 7, grade 6, deputy director, etc). Then for each seniority band please provide the total number of people in that band who identify with each ethnicity. I should be able to add the numbers for each ethnicity within each band to establish the total number of people in that band.</i> <i>Please note that this is for staff working for your department, not for any agencies or other bodies which might sit under your department.</i>
Response	The information provided relates only to Home Civil Servants employed by the Northern Ireland Office (NIO) and excludes staff seconded to the NIO from the Northern Ireland Civil Service (NICS) who remain on NICS terms and conditions. In response to your question, what number of our staff identify as which ethnicity/race, I can confirm that out of 131 staff, 84 have declared as white, 10 have declared as BAME and 37 have not declared/preferred not to say.

	As fewer than five staff have identified their ethnicity/race across all grades, and in order to comply with Data Protection Act requirements, I am unable to disclose this number as a full answer would risk the identification of individuals. We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing it would contravene any of the Data Protection Principles under the Data Protection Act 1998 (DPA). In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40(2) is engaged. The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.
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FOI Request Reference	FOI/19/157
Month Issued	August 2019
Request	<i>Can I request copies of the first day briefing documents which were prepared for current Secretary of State Julian Smith and the previous Secretary of State Karen Bradley</i>
Response	I can confirm that the NIO holds information within scope of your request. However we are not able to provide you with this information as it is subject to exemption from disclosure under the Freedom of Information Act (2000). The information that you have requested is exempt from disclosure under the terms of Section 36 of the FOI Act, as being likely to inhibit full and frank discussion. Officials need a safe space to discuss options with peers within and outside their organisations, email is one method that can expedite those discussions and any release that could potentially stifle those discussions or lead to them not being fully recorded is against the public interest. <u>Section 36(2)(b)(ii)</u> In line with the terms of this exemption in the FOI Act we have considered whether it would be in the public interest for the Department us to provide this information. Section 36 of the FOI Act provides that information can be withheld if, in the opinion of a qualified person, it would, or would be likely to prejudice – the free and frank provision of advice. We have considered the public interest in disclosing this information. There is a public interest in the way in which government decisions are made and how relationships with other stakeholders are conducted. Disclosure would help the public to appreciate the considerations surrounding policy discussions, and the context in which Ministers operate. There is also a public interest in how decisions are made, at what level, and the reasons behind these decisions so that government officials can be more accountable for their decisions and responsibilities. Release of the information could demonstrate the quality of advice provided by the Department. However, these factors are of modest weight in this case, as the NIO proactively publishes information about the Departmental structure, Ministers make regular statements to Parliament (both oral and in

	writing) on policy issues - setting out rationale and responding to questioning along those lines, and make themselves available for frequent media engagement. The department also responds to public inquiries on a range of matters through Treat Officials and Minister's Cases, and undertakes structured engagement with a wide range of relevant interlocutors. This information was provided with a reasonable expectation that it would not be released into the public domain; it was contextual background provided to ensure Ministers had a written briefing supporting their induction into the Department. We have not found a precedent for other Departments releasing such materials. It would seem a reasonable assumption that much of the advice provided then filtered through into Parliamentary statements, other public comments and correspondence relating to the issues covered, where appropriate. Some of the contents relates to sensitive matters, such as threat assessments. To release the information could also put a greater focus on process than policy decisions. After careful consideration we have concluded that it is in the public interest to withhold the documents.
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FOI Request Reference	FOI/19/158
Month Issued	August 2019
Request	<i>Please could you list the total number of recorded anti-virus and spam email blocks made by your security systems over the last two financial years, FY 18-19 and FY 17-18.</i> <i>Please break down by year and by type of action blocked</i> <i>E.g. FY 17-18 1,000 malware, 500 phishing, 500 Denial-of-service.</i> <i>Please detail whether any of these threats were successful.</i>
Response	In respect of your questions The Northern Ireland Office can neither confirm nor deny that it holds the information you requested as the duty in section 1(1)(a) of the FOI Act does not apply, by virtue of both section 24(2) that relates to national security and sections 31(1)(a) and 31(3)(a) that relates to law enforcement and the prevention of crime. However, this should not be taken as conclusive evidence that the information you have requested exists or does not exist. Section 24 is a qualified exemption and so we have considered whether it would be in the public interest for us to confirm or deny whether we hold the information. In this case, we have concluded that the public interest favours neither confirming nor denying whether the requested information is held.

	Section 31 is a prejudice based exemption and is subject to the public interest test. With regard to your request, we recognise the public interest in knowing whether the government holds particular information. Balanced against this, is the public interest in not releasing information that would aid a criminal intent on launching cyber-attacks on the Department's IT systems. In this case we consider that the wider public interest lies in neither confirming nor denying that information, which may have been disclosed in an unauthorised manner, is held.
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