

DECEMBER 2019 FREEDOM OF INFORMATION RESPONSES

Year	Month	FOI Reference	Topic
2019	Dec	FOI/19/235	Correspondence on the Infected Blood Inquiry and Infected Blood Support Schemes
2019	Dec	FOI/19/237	Rydon, Arconic and Studio E contracts
2019	Dec	FOI/19/238	Correspondence on the Northern Ireland centenary
2019	Dec	FOI/19/239	Archival file request: Operation Folklore
2019	Dec	FOI/19/240	Bring Your Own Device scheme
2019	Dec	FOI/19/241	Energy sources
2019	Dec	FOI/19/242	Complaints and data protection requests
2019	Dec	FOI/19/247	Belfast Good Friday Agreement: released prisoner data
2019	Dec	FOI/19/248	Archival file request: Belfast city centre security cordon
2019	Dec	FOI/19/249	Staff attendance rates
2019	Dec	FOI/19/251	Outsourced workers
2019	Dec	FOI/19/252	International Treaty between Northern Ireland and Canada
2019	Dec	FOI/19/254	Overseas Security and Justice Assistance (OSJA) cases
2019	Dec	FOI/19/255	Data breaches

FOI Request Reference	FOI/19/235
Month Issued	December 2019
Request	<i>All correspondence within the NIO that can be found within the cost limit that relates to the Infected Blood Inquiry or Infected Blood Support Schemes during the period 1st Jul 2019 - 31st Oct 2019.</i>
Response	The Northern Ireland Office has looked through archives for the periods you cited. After a search of our records, we have identified material within the scope of your request. This is attached. Please note that certain personal data has been redacted in line with section 40 of the Freedom of Information Act 2000. Some of the information requested is exempt under Section 21 (Information reasonably accessible to the applicant by other means). The information is available here. 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. 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. 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 s35 (a) is engaged and it is in the public interest to withhold some of 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
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FOI Request Reference	FOI/19/237
Month Issued	December 2019
Request	<i>I write to make a Freedom of Information request of your department.</i> <i>Please provide me with the following information regarding the time period from 1 January 2015 to the present:</i> <i>1. The number of contracts your department has entered into in each year with the following organisations: Rydon, Arconic, Studio E</i> <i>2. The value of contracts in each year your department has entered into for each of the organisations: Rydon, Arconic and / or Studio E</i> <i>3. The total number and value of each contract your department currently maintains with Rydon, Arconic, and / or Studio E</i>
Response	The department has not entered into any contracts with Rydon, Arconic or Studio E from 1 January 2015 to the present.

FOI Request Reference	FOI/19/238
Month Issued	December 2019
Request	<i>I'm asking for:</i> <i>1. All documents and memos detailing events, publications and plans related to commemorating and marking 100 years of Northern Ireland in 2020?</i> <i>2. All correspondence with the Northern Irish civil service and NI government departments on all events, publications and plans related to commemorating and marking 100 years of Northern Ireland?</i> <i>3. All correspondence in relation to commemorating and marking 100 years of Northern Ireland?</i> <i>4. All correspondence with the PSNI and Gardaí in relation to commemorating and marking 100 years of Northern Ireland.</i> <i>5. All correspondence with Tourism NI and Tourism Ireland about commemorating and marking 100 years of Northern Ireland?</i> <i>6. All details of funding allocated already to commemorating and marking 100 years of Northern Ireland?</i> <i>7. All details of funding that is set to be allocated to commemorating and marking 100 years of Northern Ireland?</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 across the entire Department would be required to open and read a large amount of records individually across all our information repositories.

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 <http://www.legislation.gov.uk/ukpga/2000/36/section/12>.

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, or perhaps narrow down the type of records 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.

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.

	<u>Section 12: Cost of compliance exceeds appropriate limit</u> (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.
FOI Request Reference	FOI/19/239
Month Issued	December 2019

Request	<i>I am writing to make a request under the FOI Act to see a specific set of files which are currently retained under section 3.4 of the Public Records Act. I would like to see the following: CJ 4/6044, CJ 4/6045, CJ 4/6046 and CJ 4/6119.</i> <i>Within these files I would like to see of the information that pertains to 'Operation Folklore'. If it is not possible to see all of the information in the files, it would also be useful to see redacted versions or to have a summary.</i>
Response	I can confirm that the department holds information that you have asked for, but in this case we will not be providing it to you as it is exempt from disclosure. Some of the information you have requested could be exempt under section 23(1) of the Freedom of Information Act, which relates to the bodies dealing with security matters, although it is also possible that the information relates to none of the bodies dealing with security matters. Sections 23(1) and 24(1) are being cited in the alternative as it is not appropriate, in the circumstances of the case, to say which of the two exemptions is actually engaged so as not to undermine national security or reveal the extent of any involvement, or not, of the bodies dealing with security matters. Section 23 is an absolute exemption and the Northern Ireland Office is not required to consider whether the public interest favours disclosure of this information. Any information that is not exempt from disclosure under section 23(1) could be exempt under section 24(1) of the Freedom of Information Act, which exempts information from disclosure if its exemption is required for the purpose of safeguarding national security. For the reasons given above under section 23, we cannot say which of the two exemptions is actually engaged, and to the extent to which section 24(1) is engaged we are not obliged to give any further explanation by virtue of section 17(4) because to do so would involve the disclosure of information which would itself be exempt. Section 24 is a qualified exemption and I have considered whether the balance of the public interest favours releasing or withholding this information. There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. I have weighed these public interests against a very strong public interest in safeguarding national security. It is important that this sensitive information is protected, as disclosure of information in this case, if held, would damage national security. Taking into account all the circumstances of this case I have determined that the balance of the public interest favours withholding this information. Some of the information you have requested is also exempt from release under section 26(1) of the Freedom of Information Act. Section 26 protects information if its release would, or would be likely to, prejudice the defence of the British Islands or of any colony, or the capability, effectiveness or security of the armed forces. Section 26 is a qualified exemption and I have considered whether the balance of the public interest favours releasing or withholding this information. There is a general public interest in disclosure of information and I recognise that openness in

	government may increase public trust in and engagement with the government. There is a definite public interest in members of the public being able to understand the defence of the country. I have weighed these public interests against a strong public interest in the government maintaining a robust national defence capability and in not disclosing information that would prejudice this capability. Taking into account all the circumstances of this case, I have determined that the balance of the public interest favours withholding this information. You can find more information by reading the full text of the Act, available at http://www.legislation.gov.uk/ukpga/2000/36/section/23 http://www.legislation.gov.uk/ukpga/2000/36/section/24 http://www.legislation.gov.uk/ukpga/2000/36/section/26
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FOI Request Reference	FOI/19/240
Month Issued	December 2019
Request	<i>I would like to know the number of devices listed under your organisation's Bring Your Own Device (BYOD) scheme over the last two financial years, broken down by year. 2017-18 and 2018-2019.</i> <i>If possible could you also provide detail on the make and or model of device e.g. 35 apple iPads.</i>
Response	The Northern Ireland Office standard offering does not include any provision for BYOD.

FOI Request Reference	FOI/19/241
Month Issued	December 2019
Request	<i>I am writing to you under the Freedom of Information Act to request the following information:</i> <i>How much energy used within your government department buildings (in %, share energy demand from source) in the period of 2018/2019 or 2019 (or the last annual available/accessible business period) came from:</i> <i>Clean/renewable energy sources</i> <i>Gas-fired power stations</i> <i>From nuclear plants,</i> <i>From electricity imports</i> <i>from coal-fired stations</i>

	<i>If possible, also the equivalent numbers for the annual period of 2014/2015 (or annual period of 2015).</i>
Response	The Northern Ireland Office occupies two office locations, one in Stormont House, Belfast and another in 1 Horse Guards Road, London. In both cases the landlords for the property are responsible for energy provision and therefore the NIO does not hold this information.

FOI Request Reference	FOI/19/242
Month Issued	December 2019
Request	<i>Can you please confirm how many of the following you received for your most recent tax year records (17/18 or 18/19): (refining a previous question that was too broad)</i> • <i>Complaints</i> • <i>Data protection requests</i> <i>Can you also confirm the name and contact details for the person within the Northern Ireland Office, who has accountability for response times for each of those areas?</i>
Response	There are a number of different ways in which a complaint could be made to the Department. The Department does not hold a central complaints register but individual business areas must ensure that all complaints are handled appropriately and in line with any statutory requirements. The Northern Ireland Office received six DPA requests for the period 17/18 and six for the period 18/19. The Director of the Business Delivery Group, Colin Perry, has overall responsibility for these roles within the Northern Ireland Office.

FOI Request Reference	FOI/19/247
Month Issued	December 2019
Request	<i>I wish to know how many prisoners released on license under the Belfast agreement have broken the terms of their release, how many have been arrested for breach of the terms of their release and how many have been return to prison for breach of the terms of their license.</i> <i>I have asked both the department of justice and the Prison service for Northern Ireland for this information, they now inform me that your department holds this information.</i>
Response	The Northern Ireland Office does not hold figures on numbers of arrests, which is an operational policing matter.

	In line with the provisions of the Northern Ireland (Sentences) Act 1998, the Secretary of State can suspend a released prisoner's licence if he believes the individual has broken or is likely to break a condition of their licence. To date, the Secretary of State has suspended 28 licences further to the provisions of that Act. Once a licence has been suspended by the Secretary of State, prisoners can apply to the independent Sentence Review Commissioners for consideration of their case.
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FOI Request Reference	FOI/19/248
Month Issued	December 2019
Request	<i>I am investigating the security cordon in place around Belfast city centre during the period of "The Troubles".</i> <i>I would like to request any information available relative to what types of infrastructure (barriers, turnstiles, bollards, etc), in which locations and during which years these were in use that you may have available in your archives.</i>
Response	Your request has been handled under the Freedom of Information Act 2000 (FOIA). 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. 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 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 http://www.legislation.gov.uk/ukpga/2000/36/section/12.

FOI Request Reference	FOI/19/249
Month Issued	December 2019

Request	<i>This is an information request relating to specific absence days.</i> <i>What were the staff attendance rates on the following dates:</i> • 10 July 2018 • 11 July 2018 • 12 July 2018 • 15 April 2019 • 16 April 2019 • 7 May 2019 • 28 May 2019 • 24 July 2019 • 25 July 2019 • 26 July 2019 • 27 August 2019 <i>If Section 12 limitations arise, please fulfil the request for London-based staff only.</i>
Response	In response to your request, we do not hold staff attendance rates for specific dates.

FOI Request Reference	FOI/19/251
Month Issued	December 2019
Request	<i>I'm writing to you to request the following information under the terms of the Freedom of Information Act:</i> <i>The total amount of money spent on catering, cleaning, security and maintenance staff not directly employed by your department but contracted to provide services through an agency, and would be considered outsourced workers, in each of the following financial years: 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, broken down by 12-month period.</i> <i>A breakdown by ethnicity of the total number of outsourced staff in each of the above mentioned areas.</i> <i>The names of the companies which provide said services.</i> <i>The year in which each of the above services were outsourced.</i>
Response	The Northern Ireland Office occupies two office locations, one in Stormont House, Belfast and another in 1 Horse Guards Road, London.

	In 1 Horse Guards Road, London these services are included as part of the landlord's service charge. In Stormont House, Belfast the cleaning, security and maintenance are provided through collaborative contracts and awarded by the Department of Finance Construction and Procurement Delivery (CPD), which is a Centre of Procurement Excellence. The contracts are for managed services and contract spend is for the delivery of a managed service rather than staff costs. Information on these contracts are published on the CPD website. Therefore, there has been no spend on outsourced workers contracted through an agency by the Northern Ireland Office to provide these services at either site in any of the years you have requested information on.
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FOI Request Reference	FOI/19/252
Month Issued	December 2019
Request	<i>I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.</i> <i>Please send me:</i> <i>1. [Information request – 1 what is the function of Northern Ireland office]</i> <i>2. [Information request – 2 what involvement does (NIO) International treaty/convention between Canada BC and Northern Ireland in reciprocal enforcement maintenance order under Commonwealth part one= (reciprocal enforcement maintenance order act 1972)]</i> <i>3. [Information request – 3, if the treaty has been breached between Canada BC – Northern Ireland what official duty/responsibility does Northern Ireland office have in relation to treaty/convention breached against Northern Ireland]</i> <i>4. [Information request – 4 are there any part of the Northern Ireland office that would deal with international treaty if there are what are their contact details]</i>
Response	In response to question 1, the function of the Northern Ireland Office is to support the Secretary of State for Northern Ireland in promoting the best interests of Northern Ireland within a stronger United Kingdom. It ensures Northern Ireland interests are fully and effectively represented at Westminster and the heart of Government, and the Government's responsibilities are fully and effectively represented in Northern Ireland.

	Our key purpose is to make politics work by working alongside the Northern Ireland Executive to help improve the effectiveness and delivery of the devolved institutions; to ensure a more secure Northern Ireland; deliver a growing economy including rebalancing the economy; and ensure a stronger society by supporting initiatives designed to build better community relations and a genuinely shared future. In respect of Questions 2 and 3, we do not hold any information within scope of this request. In respect of Question 4, we do not deal with the matter of international treaty and you may wish to direct your request to the Foreign and Commonwealth Office.
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FOI Request Reference	FOI/19/254																										
Month Issued	December 2019																										
Request	<i>The Foreign and Commonwealth Office (FCO) Human Rights and Democracy reports for 2017 and 2018 include estimates of the number of “OSJA cases” from across government in FY 2017/18 and 2018/19. Those figures are provided below. The FCO confirmed that, in this context, “OSJA cases” means the number of OSJA assessments made for any proposed UK security or justice assistance overseas or an extension to existing assistance.</i> <table><tr><td></td><td><i>FY 2017/18</i></td><td><i>FY 2018/19</i></td></tr><tr><td><i>Europe</i></td><td>80</td><td>205</td></tr><tr><td><i>Central Asia</i></td><td>28</td><td>63</td></tr><tr><td><i>Americas</i></td><td>45</td><td>189</td></tr><tr><td><i>Middle East and North Africa</i></td><td>179</td><td>261</td></tr><tr><td><i>Sub-Saharan Africa</i></td><td>114</td><td>191</td></tr><tr><td><i>South Asia</i></td><td>50</td><td>102</td></tr><tr><td><i>Asia Pacific</i></td><td>84</td><td>267</td></tr></table> <i>Following a request made under the Freedom of Information Act 2000, the FCO provided a breakdown of their OSJA cases by region for each of the FYs and recommended that I contact other government departments directly for their own figures.</i> <i>This is a request under the Freedom of Information Act for the following:</i> <i>(1) The number of OSJA cases that your department was responsible for under each region for both FYs.</i>				<i>FY 2017/18</i>	<i>FY 2018/19</i>	<i>Europe</i>	80	205	<i>Central Asia</i>	28	63	<i>Americas</i>	45	189	<i>Middle East and North Africa</i>	179	261	<i>Sub-Saharan Africa</i>	114	191	<i>South Asia</i>	50	102	<i>Asia Pacific</i>	84	267
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	(2) The number of OSJA cases where a Minister was consulted, and of those, the number approved. Please could you provide this information under each region for both FYs? If a regional breakdown cannot be provided within the cost threshold, please provide the overall figures for both FYs. <i>I would be grateful for the information requested under (1) in any event whilst advice and assistance is provided on part (2), if necessary.</i>
Response	In response to question 1 – The Northern Ireland Office has not been responsible for any OSJA for the financial years 2017/18 and 2018/19. In response to question 2 – Please see response to question 1.

FOI Request Reference	FOI/19/255																		
Month Issued	December 2019																		
Request	<i>I would like to make the following Freedom of Information request to your department.</i> <i>On how many occasions have staff from your government department reported losing/misplacing confidential documents, memory sticks/other devices holding sensitive information over the last three years? This includes items that were stolen from your department. Please break down by calendar year for 2017. 2018 and 2019 so far.</i> <i>Please also state how many times the police were called as a result, again breaking down by the same years as above.</i> <i>For the calendar 2019 only, I would be grateful if you could provide a brief description of each item lost and the nature of the information on it. For instance, ‘a memory stick holding operational notes for an upcoming trip abroad’ or ‘a document outlining details of an investigation,’ etc. – as well as details of how they were lost, such as left on a train, stolen from a handbag, etc.</i>																		
Response	Please see table with responses to your three questions. <table border="1"> <thead> <tr> <th>Year</th><th>Reported Losses (1)</th><th>Police Contacted (2)</th><th>2019 Description (3)</th></tr> </thead> <tbody> <tr> <td>2017</td><td>1</td><td>1</td><td></td></tr> <tr> <td>2018</td><td>1</td><td>0</td><td></td></tr> <tr> <td>2019</td><td>1</td><td>1</td><td>Phone believed lost on way home – found at home at a later date.</td></tr> </tbody> </table>			Year	Reported Losses (1)	Police Contacted (2)	2019 Description (3)	2017	1	1		2018	1	0		2019	1	1	Phone believed lost on way home – found at home at a later date.
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