

NOVEMBER 2021 FREEDOM OF INFORMATION RESPONSES

Year	Month	FOI Reference	Topic
2021	Nov	FOI/21/127	Meta FOI request on FOI/21/67 and AP/21/9
2021	Nov	FOI/21/171	First day ministerial briefings
2021	Nov	FOI/21/186	Ministerial communications on the shooting of Paul Whitters
2021	Nov	FOI/21/191	Spending on business cards
2021	Nov	FOI/21/192	IT budgets and staffing
2021	Nov	FOI/21/196	Working from home data
2021	Nov	FOI/21/197A	Spending on Hikvision equipment
2021	Nov	FOI/21/199	Recruitment of military veterans
2021	Nov	FOI/21/200	Special Adviser involvement in FOI handling
2021	Nov	FOI/21/202	Professional standards statements in contracts
2021	Nov	FOI/21/203	Spending on select committee witness training
2021	Nov	FOI/21/204	Ministerial engagement with Radox Laboratories Ltd or Lynn's Country Foods
2021	Nov	FOI/21/205	Correspondence on funerary arrangements of ex-soldier, Dennis Hutchings
2021	Nov	FOI/21/206	Asylum seekers housed in hotel accommodation in Northern Ireland
2021	Nov	FOI/21/209	Cyber-attacks
2021	Nov	FOI/21/215	New Decade New Approach: Irish language commitments

FOI Request Reference	FOI/21/127
Month Issued	November 2021
Request	1. I would like to request all internal and external correspondence and communications that mention, or refer to, my request - as well as my request for an internal review - regarding ministerial diaries (reference number: FOI 21 67 and AP 21/9). 2. I would like to request all correspondence and communications between this department and the Cabinet Office Clearing House in relation to my request - as well as my request for an internal review - regarding ministerial diaries. Please disclose copies of any advice the Cabinet Office Clearing House might have sent to this department (including any advice issued via the round robin list).
Response	I can confirm that information within scope of your original request is held by the Department. Please find attached information which is being released to you. As you can see some information has been redacted so as to facilitate this information release. The majority of the information has been redacted by way of section 40 (personal data) and a smaller amount by way of section 36 (effective conduct of public affairs). As can be seen within the released information only section 36 (effective conduct of public affairs) redactions have been individually marked. The remaining redactions, therefore, are by way of section 40 (personal data). Please also note that whilst some information is being released with redactions applied other information is being withheld in its entirety. This information is, as with the redacted releasable information, being withheld by way of section 40 (personal data) and section 36 (effective conduct of public affairs). <u>Section 36 (effective conduct of public affairs)</u> It is the Department's position that information relevant to your request is exempt by way of Section 36 (effective conduct of public affairs) of the Freedom of Information Act. When relying on this exemption public authorities are required to consider the public interest in the release of the information. I shall therefore set out here the factors considered by the Department in favour of releasing and withholding the requested information: <u>Factors in favour of release</u> • The Freedom of Information Act has an underlying element of openness and transparency. • The release of this information would engage with the public in the workings and considerations undertaken by the Department. <u>Factors in favour of withholding [delete/edit as needed]</u> • Department Officials engaged in sensitive discussions require a safe space in which they can debate freely and frankly.

- Department officials must be able to provide relevant advice in a protected space (without fear of future disclosure).
- Without this protected space Department officials would likely feel constrained in their ability to advise freely, frankly and fully when providing such advice. This, therefore, would likely to lead to less informative and candid advice being supplied in future Freedom of Information requests.

It is the Department's position, when the above public interest arguments are considered, that it is not within the public interest to release this information as it would likely prejudice the Department's effective conduct of public affairs. I should like to take this opportunity to confirm that the Department is relying on the second limb of the Section 36 exemption; *would be likely to*. Additionally, for clarity, the Department is also relying upon the following specific sub-sections:

36(2)(b)(i) *the free and frank provision of advice*

36(2)(b)(ii) *the free and frank exchange of views for the purposes of deliberation*

36(2)(c) *would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs*

Please note released correspondence may refer to the attachment of draft responses. These drafts are also considered exempt by way of section 36 (effective conduct of public affairs) for the same reasons given above. Additionally an Internal Review Checklist document provided to the assigned internal review reporting officer (see IR email 5) is also considered exempt by way of section 36 (effective conduct of public affairs).

For further information on Section 36 (effective conduct of public affairs) exemption under the terms of the Freedom of Information Act please visit the independent regulators, the Information Commissioners Office website: [Section 36 guidance notes](#).

Section 40 (personal data)

It is the Department's position that information relevant to your request is exempt by way of Section 40(2) (personal data) of the Freedom of Information Act.

The information requested consists of personal information – names, contact details and other contextual information. The Department, therefore, considers it exempt by way of Section 40(2) (personal data) of the Freedom of Information Act.

The information is considered exempt by way of Section 40(2) (personal data) as these person(s) could not reasonably expect that their personal information would be disclosed; therefore, in doing so would breach current data protection legislation.

	For further information on Section 40 (personal data) exemption under the terms of the Freedom of Information Act please visit the independent regulators, the Information Commissioners Office website; Section 40 guidance notes .
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FOI Request Reference	FOI/21/171
Month Issued	November 2021
Request	<i>In accordance with the FOI Act 2000 and any other relevant statutory provisions please provide me with any introductory materials which have been prepared for or provided to the new Minister of State, Conor Burns including but not limited to the "First Day Brief".</i>
Response	I can confirm that information within scope of your original request is held by the Department. <i>Section 36 (effective conduct of public affairs)</i> It is the Department's position that the information for these elements of your request is exempt by way of Section 36 (effective conduct of public affairs) of the Freedom of Information Act. When relying on this exemption public authorities are required to consider the public interest in the release of the information. I shall therefore set out here the factors considered by the Department in favour of releasing and withholding the requested information: <u>Factors in favour of release</u> • The Freedom of Information Act has an underlying element of openness and transparency. • The release of this information would engage the public with the workings and considerations undertaken by the Department. <u>Factors in favour of withholding</u> • Department Officials engaged in sensitive discussions require a safe space in which they can debate freely and frankly. • Department officials must be able to provide relevant advice in a protected space (without fear of future disclosure). • Without this protected space Department officials would likely feel constrained in their ability to advise freely, frankly and fully when providing such advice. This, therefore, would likely to lead to less informative and candid advice being supplied. It is the Department's position, when the above public interest arguments are considered, that it is not within the public interest to release this information as it would likely prejudice the Department's effective conduct of public affairs. I should like to take this opportunity to confirm that the Department is relying on the second limb of the Section 36 exemption; would be likely to. Additionally, for clarity, the Department is also relying upon the following specific sub-sections: 36(2)(b)(i) the free and frank provision of advice

	36(2)(b)(ii) the free and frank exchange of views for the purposes of deliberation 36(2)(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs For further information on Section 36 (effective conduct of public affairs) exemption under the terms of the Freedom of Information Act please visit the independent regulators, the Information Commissioners Office, website: Section 36 guidance notes.
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FOI Request Reference	FOI/21/186
Month Issued	November 2021
Request	<i>This is a request for information under the Freedom of Information Act. I would like to request the following information:</i> <i>From 8th January 2018 to 13 February 2020, please provide all correspondence and communications that refers to, or relates to Paul Whitters, a 15-year-old boy who was shot in the head with a plastic bullet fired by a member of the RUC in Derry, in 1981.</i> <i>I ask that you focus your search on correspondence and communications only sent and received by the following individuals:</i> <i>Karen Bradley, former Secretary of State for Northern Ireland</i> <i>Julian Smith, former Secretary of State for Northern Ireland</i>
Response	It has been estimated by the Department that to fully satisfy this information request would exceed the appropriate limit as set out at section 12 of the Freedom of Information Act. Your request, therefore, is being refused at this time by way of section 12 (appropriate limit) of the Freedom of Information Act by the Northern Ireland Office. Under section 12 of the Freedom of Information Act, public authorities are not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would likely exceed 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 departments. The request as worded is not just a review of the two mailboxes of Karen Bradley and Julian Smith. Owing to the general operation of the Secretary of State’s office, correspondence is often sent ‘on behalf of’ the Secretary of State. Therefore, to fully satisfying this request would require the compilation of a list of all private office staff for the period of interest and then a review of their held information. When done to include private office staff, as required by the current wording of the request, the search parameters expand considerably.

	Additionally, the current wording also expands the search parameters beyond the above-mentioned appropriate limit by using the phrase “or relates to”. Potentially held in-scope information may not simply contain the key search word ‘Whitters’; rather some other more generic phraseology. This more generic wording would not be captured via a key word search for the term ‘Whitters’ and a manual review of all in-scope information would be required to determine whether correspondence ‘related’ to the Whitters Case. Therefore, when the above two search parameters are taken into account, it is this lengthy review, in terms of both historical date range and volume of information, which has been estimated by the Department, would likely exceed the above-mentioned appropriate limit. It may be that we can provide you with some information within this appropriate limit, if you are able to narrow the scope of your request. The following may help in your decisions as to the nature of any reframed information request you may wish to re-submit: • Refining your keyword search to only the word ‘Whitters’ (thus removing the element “or relates to”). • Refining your search to correspondence and communications only sent by the two stated individuals, and not by anyone else on their behalf (thus removing the need to expand the search to former and current private office staff). It should be noted that if you did re-submit a reframed question there is still the possibility that this refined request could also be subject to the application of the section 12 provisions (or in-deed any of the other in-built Freedom of Information Act exemptions). If this is the case then of course we will endeavour to continue to assist you as much as possible in order to bring your request under the appropriate limit. If you do re-submit a request it will be handled as a new request under the appropriate legislation. For further information on Section 12 (appropriate limit) of the Freedom of Information Act please visit the independent regulators, the Information Commissioners Office, website: Section 12 guidance
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FOI Request Reference	FOI/21/191
Month Issued	November 2021
Request	<i>My Freedom of Information request today concerns the number of business cards purchased by ministers and special advisers since July 2019.</i>

	1. <i>Could you please give me a total for the number of business cards purchased by the department for each minister and their special advisers since July 2019?</i> 2. <i>Could you provide a total cost for each minister and special adviser who have had business cards bought for them by the department since July 2019?</i> 3. <i>Could you tell me where the business cards were purchased, the cost per individual business card and when each was purchased?</i>
Response	I can confirm that the Department holds information relevant to your request. Please find the information being released to you. 1. <i>Could you please give me a total for the number of business cards purchased by the department for each minister and their special advisers since July 2019?</i> The department has a record of purchasing 400 business cards for Ministers and Special Advisers. 200 each were purchased for two different special advisers to the former Secretary of State Julian Smith. It should be noted that for the period requested no business cards were purchased for Ministers. 2. <i>Could you provide a total cost for each minister and special adviser who have had business cards bought for them by the department since July 2019?</i> The total cost for this purchase was £31.45. 3. <i>Could you tell me where the business cards were purchased, the cost per individual business card and when each was purchased?</i> The cards were provided internally by Digital Print Services, Department of Finance, with each card costing on average 8p. The 400 were purchased all together in February 2020.

FOI Request Reference	FOI/21/192
Month Issued	November 2021
Request	<i>I would like to know the following under the FOI act.</i> 1. <i>Annual financial budget for on-premise IT systems over the last three financial years, broken down by year</i> 2. <i>Annual financial budget for cloud IT systems over the last three financial years broken down by year</i>

	3. <i>Number of permanent IT staff in post over the last three financial years, broken down by year and total salary costs per year</i> 4. <i>Number of contracting/temp IT staff in post over the last three financial years, broken down by year and total salary costs per year</i>
Response	We are unable to supply the figures requested in parts one and two as a single payment is made for our service in its entirety. As such, we would not hold the budget figures for individual items. Similarly with respect to parts three and four of your request the Northern Ireland Office receives 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.

FOI Request Reference	FOI/21/196
Month Issued	November 2021
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. A breakdown of how many of your staff are working from home up to Thursday 14 October 2021 and how many are regularly working in the office.</i> <i>2. A breakdown of how many staff were working from home in January 2021.</i> <i>3. Details of any guidance to staff on working from home arrangements, example how many days a week staff are able to/allowed to work from home.</i>
Response	I can confirm that the Department holds some information relevant to your enquiry. If I may I shall address each of your points in turn; 1. A breakdown of how many of your staff are working from home up to Thursday 14 October 2021 and how many are regularly working in the office. It has been estimated by the Department that to fully satisfy element one of this information request would exceed the appropriate limit as set out at section 12 of the Freedom of Information Act. Your request, therefore, is being refused at this time by way of section 12 (appropriate limit) of the Freedom of Information Act by the Northern Ireland Office.

Under section 12 of the Freedom of Information Act, public authorities are not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would likely exceed 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 departments.

The first part of your request contains no start date; therefore as worded the Department would be required to compile information from the date the Department was founded to 14 October 2021. Therefore to fully satisfy this element of your request would require a manual review of all paper and all electronically held information (staff and shared email inboxes, drives and servers).

It is this lengthy review, in terms of both historical date range and volume of information, which has been estimated by the Department, would likely exceed the above-mentioned appropriate limit.

It may be that we can provide you with some information within this appropriate limit, if you are able to narrow the scope of your request.

The following may help in your decisions as to the nature of any reframed information request you may wish to re-submit:

- A date-range for your elements one and two, limited to 6 months.

It should be noted that if you did re-submit a reframed question there is still the possibility that this refined request could also be subject to the application of the section 12 provisions (or in-deed any of the other in-built Freedom of Information Act exemptions). If this is the case then of course we will endeavour to continue to assist you as much as possible in order to bring your request under the appropriate limit. If you do re-submit a request it will be handled as a new request under the appropriate legislation.

2. A breakdown of how many staff were working from home in January 2021.

In response to question 2, the information we hold shows that 130 members of staff were working from home in January 2021.

	3. Details of any guidance to staff on working from home arrangements, example how many days a week staff are able to/allowed to work from home. In response to question 3. As of 12 September 2021, the NIO introduced a hybrid working model as part of the smarter working agenda. Hybrid working enables employees to work partly in the workplace and partly at home. Currently, staff are attending the workplace one day a week as part of a rota system. This model is only currently applicable to staff based in England with Northern Ireland staff subject to local government arrangements. <u>Further information</u> For further information on Section 12 (appropriate limit) of the Freedom of Information Act please visit the independent regulators, the Information Commissioners Office, website: Section 12 guidance
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FOI Request Reference	FOI/21/197A
Month Issued	November 2021
Request	<i>Could you please tell me how much Hikvision equipment was purchased by your department in 2018, 2019, 2020 and 2021 to date? This includes the type of equipment, the date and expenditure.</i>
Response	We have handled your request under the Freedom of Information Act 2000. I can confirm that following a review of all electronic and paper based records it has been responsibly determined that the Northern Ireland Office does not hold information that you have asked for; that is to say the Department has purchased no Hikvision equipment for the periods requested.

FOI Request Reference	FOI/21/199
Month Issued	November 2021
Request	<i>This Freedom of Information (FOI) request is submitted to gain a perspective on numbers applying to join the Civil Service under the headline, Civil Service starts guaranteed interview scheme for Veterans, published on 05 October 2020.</i> <i>The basis of my request is to find out how many military veterans have applied for employed positions in your department (to include your 30 agencies and public bodies) under the 'Great Place to Work for Veterans' initiative from the Conservative Government's Manifesto pledge? I am requesting a breakdown in numbers from the following:</i> <i>1. How many Veterans have applied through the Civil Service website and other recruiting outlets to join your department?</i> <i>2. How many Veterans have been successful moving to the next stage of the application process after the submission of their application, i.e. guaranteed interview or online tests as described in the online bulletin?</i>

	3. <i>How many Veterans have been physically interviewed for positions in your department?</i> 4. <i>How many Veterans have been unsuccessful after the initial sift of their application?</i> 5. <i>How many Veterans have been successful in gaining employment within your department?</i>
Response	I can confirm that we do not hold information in relation to this request. The Northern Ireland Office is not part of the early adopter trial for the Great Place to Work for Veterans programme. I trust this information to be of some use to you and I wish you all the best with your research.

FOI Request Reference	FOI/21/200
Month Issued	November 2021
Request	<i>For Q2 2021, please:</i> a. <i>State how many FOI requests were sent to special advisers for clearance/approval/that they wished to have sight of.</i> b. <i>For those FOI requests, please provide their reference numbers.</i> c. <i>(c) Please provide copies of the FOI requests that were sent to special advisers for clearance/approval/that they wished to have sight of.</i>
Response	I can confirm that information within scope of your original request is held by the Department. We have provided 20 FOI requests, one with an attachment* (21/91) to the accompanying email. FOI references below: 21/55 - 21/56 - 21/56 - 21/62 - 21/69 - 21/73 - 21/74 - 21/75 - 21/76 - 21/77 - 21/79 - 21/89 - 21/90 - 21/91* - 21/94 - 21/102 - 21/114 - 21/116 - 21/117 - 21/120 Some of the information is exempt by way of Section 40 (personal data) of the Freedom of Information Act. As such, personal information such as names, email addresses of members of the public and a non-public NIO phone number, has been redacted. In addition, for the table in FOI 21/57 we have redacted the numbers that are fewer than 5 as staff could be identified with this information. The Department, therefore, considers that information exempt under the Freedom of Information Act by way of Section 40(2) (personal data). These person(s) could not reasonably expect that their personal information would be disclosed; therefore, in doing so would breach current data protection legislation. For further information on Section 40 (personal data) exemption under the terms of the Freedom of Information Act please visit the independent regulators, the Information Commissioner's Office, website: Section 40 guidance

FOI Request Reference	FOI/21/202
Month Issued	November 2021
Request	<i>In 2018 it was revealed that at least 22 contractors, including charities, have had to sign gagging clauses as part of their involvement in back-to-work programmes run by the Department for Work and Pensions (DWP).</i> <i>Clauses inserted into contracts the DWP entered into with the supplier, in this case charities, were banned from criticising or harming the reputation of the work and pensions secretary.</i> <i>The contracts stated that groups receiving the money must “pay the utmost regard to the standing and reputation” of the work and pensions secretary.</i> <i>They must “not do anything which may attract adverse publicity” to her, damage her reputation or harm the public’s confidence in her.</i> <i>Can the department provide the total number of charities that have been asked to enter into such a contract in each of the last five years from the date of this request?</i>
Response	I can confirm that following a review of all electronic and paper based records is has been responsibly determined that the Northern Ireland Office does not hold the information that you have asked for; that is to say the Department has asked no charities to enter into such contracts for the periods requested.

FOI Request Reference	FOI/21/203
Month Issued	November 2021
Request	<i>My Freedom of Information request today concerns the amount spent by your department on training for parliamentary committee witnesses.</i> <i>Could you please tell me the total amount spent by your department on training for select committees since 1 January 2016?</i> <i>Could you please give me a breakdown of all costs, the witness for whom training was provided and the date it was provided too?</i>
Response	The NIO has not spent any money on training for select committees since 1 January 2016.

FOI Request Reference	FOI/21/204
Month Issued	November 2021

Request	<i>My FOI request relates to the period that Owen Paterson was Secretary of State for Northern Ireland.</i> <i>I would like to see minutes of meetings involving Owen Paterson at which representatives of either the companies Radox Laboratories Ltd or Lynn's Country Foods were present.</i> <i>I would like to see any email, note or document in which his Private Office recorded notification by Owen Paterson of a contact between himself as Secretary of State and either of these companies.</i>
Response	It has been estimated by the Department that to fully satisfy this information request would exceed the appropriate limit as set out at section 12 of the Freedom of Information Act. Your request, therefore, is being refused at this time by way of section 12 (appropriate limit) of the Freedom of Information Act by the Northern Ireland Office. Under section 12 of the Freedom of Information Act, public authorities are not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would likely exceed 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 departments. To fully satisfy elements of your request would require a manual review of all paper and all electronically held information (staff and shared email inboxes, drives and servers). It is this lengthy review, in both terms of historical date range and volume of information, which has been estimated by the Department, would likely exceed the above-mentioned appropriate limit. It may be that we can provide you with some information within this appropriate limit, if you are able to narrow the scope of your request. The following may help in your decisions as to the nature of any reframed information request you may wish to re-submit: • Refining your search to correspondence received directly by the former Secretary of State’s personal Northern Ireland Office email address alone. • Exclude all Private Office staff and all ‘emails, notes or documents’ that might relate to the former Secretary of State’s meetings or correspondence with the stated companies. • Refining your search to 6 months, for example 4 March-4 September 2012. It should be noted that if you did re-submit a reframed question there is still the possibility that this refined request could also be subject to the application of the section 12 provisions (or in-deed any of the other in-built Freedom of Information Act

	exemptions). If this is the case then of course we will endeavour to continue to assist you as much as possible in order to bring your request under the appropriate limit. If you do re-submit a request it will be handled as a new request under the appropriate legislation. For further information on Section 12 (appropriate limit) of the Freedom of Information Act please visit the independent regulators, the Information Commissioners Office, website: Section 12 guidance
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FOI Request Reference	FOI/21/205
Month Issued	November 2021
Request	<i>I wish to make an FOI request of the NIO. I am requesting a copy of all emails to and from the NIO from other Government departments relating to arrangements for the funeral of former soldier Dennis Hutchings.</i>
Response	I can confirm that following a review of all electronic and paper based records it has been responsibly determined that the Northern Ireland Office does not hold information that you have asked for.

FOI Request Reference	FOI/21/206
Month Issued	November 2021
Request	<i>This is a request for information under the Freedom of Information Act.</i> <i>We are seeking to understand the situation of the asylum seekers currently housed in hotel accommodation in Northern Ireland, and have been advised by the Freedom of Information desk at the Department for Communities to contact you. We request information regarding the following:</i> <i>1. How many asylum seekers are currently housed in hotels in Northern Ireland?</i> <i>2. What is the time frame for their being moved to asylum accommodation? What body is responsible for seeing that happen, and under what policy?</i> <i>3. Who is responsible for their housing? (Mears Group? Housing Executive? Private hotel owners?)</i> <i>4. What oversight mechanisms are in place?</i> <i>5. For points 2-4, please provide copies of relevant policy documents, memoranda of understanding, contractual agreements or other framework materials.</i>
Response	We have handled your request under the Freedom of Information Act 2000. I can confirm that following a review of all electronic and paper based records is has been responsibly determined that the Northern Ireland Office does not hold information that you have asked for.

	I should like to take this opportunity to confirm that it is not within the Department's remit to hold this sought of information. May I suggest, if you have not already done so, that should you wish to enquiry further with respect to the possibility of obtaining this information that you contact individual Northern Ireland local authorities direct. A list of UK local authorities: https://data.gov.uk/dataset/local-authority-services Alternatively, you may also wish to contact, as there records may better suit your area of study the Home Office or the Northern Ireland Executive.
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FOI Request Reference	FOI/21/209
Month Issued	November 2021
Request	<i>Please find below my FOI request regarding malicious emails sent to the department.</i> <i>The date range for the requests is from 2018 to present day. The data shall include a breakdown by year and by individual departments (e.g. separate departments, agencies, or public bodies within the main government agency), if applicable.</i> <i>1. How many malicious emails have been successfully blocked?</i> <i>2. What percentage of malicious emails were opened by staff?</i> <i>3. What percentage of malicious links in the emails were clicked on by staff?</i> <i>4. How many ransomware attacks were blocked by the department?</i> <i>5. How many ransomware attacks were successful?</i>
Response	I can neither confirm nor deny that information within scope of your original request is held by the Department. For clarity, I should like to take this opportunity to stress that no inference either way should, or indeed can, be taken from the Department's position; we are unable to neither confirm nor deny whether we hold the requested information. If there is any ambiguity in the following as to whether the Department holds or does not hold relevant information then the overriding principle that the Department neither confirms nor denies whether in-scope information is held would take precedent. <i>Section 24 (2) (national security)</i> When public authorities receive a request for information they normally have a duty under section 1(1)(a) of the Freedom of information Act to inform the requester whether the information is held. This is called "the duty to confirm or deny". However, in certain circumstances, this duty does not apply and public authorities are not obliged to say whether or not they

	hold the information. It is the Department's position that in this instance we can neither confirm nor deny whether we hold relevant information with respect to your request under section 24 (2) (national security) of the Freedom of Information Act. When relying on this exemption public authorities are required to consider the public interest in the release of the information. I shall therefore set out here the hypothetical factors considered by the Department in favour of releasing and withholding the requested information. These factors are hypothetical as the Department is neither confirming nor denying: <u>Factors in favour of release</u> • The Freedom of Information Act has an underlying element of openness and transparency. • The release of this information would engage with the public in the workings and considerations undertaken by the Department. <u>Factors in favour of withholding</u> • A release of information, if held, would likely endanger and damage national security • A release of information, if held, would place into the public domain techniques and tactics used malicious parties; an understanding could then be drawn by these malicious parties as to what techniques were successful. • This analysis could then be further exploited to undermine, damage and/or endanger national security by instigating a cyber-attack. It is the Department's position, when the above hypothetical public interest arguments are considered, that it would be not within the public interest to release this information, if held, as it would damage national security. For further information on Section 24 (national security) exemption under the terms of the Freedom of Information Act please visit the independent regulators, the Information Commissioners Office, website: Section 24 guidance
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FOI Request Reference	FOI/21/215
Month Issued	November 2021
Request	<i>Under the Freedom of Information Act (FOIA) 2000, I wish to request records in relation to minutes of meetings, emails, letters and memos including the Northern Ireland Office Executive Office from the period of 1 March 2021 until the present regarding Irish language commitments detailed in the New Decade, New Approach Deal.</i>
Response	It has been estimated by the Department that to fully satisfy this information request would exceed the appropriate limit as set out at section 12 of the Freedom of Information Act. Your request, therefore, is being refused at this time by way of section 12 (appropriate limit) of the Freedom of Information Act by the Northern Ireland Office.

Under section 12 of the Freedom of Information Act, public authorities are not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would likely exceed 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 departments.

To fully satisfy elements of your request would require a manual review of all paper and all electronically held information (staff and shared email inboxes, drives and servers).

It is this lengthy review, in both terms of historical date range and volume of information, which has been estimated by the Department, would likely exceed the above-mentioned appropriate limit.

It may be that we can provide you with some information within this appropriate limit, if you are able to narrow the scope of your request.

The following may help in your decisions as to the nature of any reframed information request you may wish to re-submit:

- A specific commitment made as part of the New Decade, New Approach agreement;
- A reduced or specific type of record;
- A limit to the most relevant internal NIO team;
- A narrower date range.

It should be noted that if you did re-submit a reframed question there is still the possibility that this refined request could also be subject to the application of the section 12 provisions (or indeed any of the other in-built Freedom of Information Act exemptions). If this is the case then of course we will endeavour to continue to assist you as much as possible in order to bring your request under the appropriate limit.

If you do re-submit a request it will be handled as a new request under the appropriate legislation.

For further information on Section 12 (appropriate limit) of the Freedom of Information Act please visit the independent regulators, the Information Commissioner’s Office, website: [Section 12 guidance](#)