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WhatDoTheyKnow

Briefing 21st September 2020

[Mr A.J. Wilson](#) made this Freedom of Information request to [Prime Minister's Office](#)

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Waiting for an **internal review** by [Prime Minister's Office](#) of their handling of this request.

Mr A.J. Wilson 25 September 2020

Delivered

Dear Prime Minister's Office,

In relation to the slides shown at a televised address given by Chris Whitty and Patrick Vallance on September 21st 2020; copies of which are available here: <https://assets.publishing.service.gov.uk...>

Please provide the following under the freedom of information act:

In relation to the the third slide in the deck bearing the title "If doubling occurred every seven days what would it look like?" please provide the following under the Freedom of information Act:

- Any document showing the objectives of the televised address (please include communications sent to / or between Chris Whitty and Patrick Vallance.
- Any draft copies of the slide deck prior to the version eventually televised and released
- Any communication between the following individuals in relation to the slides and data in the deck: Boris Johnson, Matt Hancock, Chris Whitty, Patrick Vallance
- Any emails or communication sent or received following the televised address that made reference to the impact, public reaction or press reaction to the televised address from Monday 21st September to today's date.

Yours faithfully,

Mr A.J. Wilson

Cabinet Office FOI Team, 25 September 2020

Our ref: FOI2020/13202

Dear A J WILSON,

Thank you for your request for information which was received on 25/9/2020. Your request is being handled under the terms of the Freedom of Information Act 2000 ('the Act').

The Act requires that a response must be given promptly, and in any event within 20 working days. We will therefore aim to reply at the latest by 23/10/2020.

Please remember to quote the reference number above in any future communications.

Yours sincerely,

FOI Team

FOI Team Mailbox, Prime Minister's Office 23 October 2020

1 Attachment

FOI2020 13202 Extension.pdf

57K [Download](#) [View as HTML](#)

Please find attached further information regarding your recent FOI request

Regards

FOI Team

Room 405

70 Whitehall,

London, SW1A 2AS

Email – [1][Number 10 request email]

References

Visible links

1. [mailto:\[Number 10 request email\]](mailto:[Number 10 request email])

Mr A.J. Wilson 23 October 2020

Delivered

Dear Prime Minister's Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Prime Minister's Office's handling of my FOI request 'Briefing 21st September 2020'.

You have argued that the information engages a Section 35 exemption. I believe you have misapplied this exemption and that the information does not in fact meet the criteria required to withhold it under Section 35 of the FOIA. A Public Interest test would therefore not be required (and you would not require any extension to consider it). On that point, there can be no greater public interest than understanding the rationale for the restrictions placed on the nation at this point. To argue otherwise would be absurd.

Furthermore, I do not accept that all information requested would engage a Section 35 exemption. All of the slides and any associated communication (by definition) dealt with information that is now almost 6 weeks in the past. I would ask that you disclose everything requested that (at this point) does not (in your view) meet the Section 35 exemption.

If after this initial disclosure and in time there are elements of the information requested where you continue to argue that it is exempt then we can deal with it at that point and if necessary involve the ICO or HMCTS as appropriate.

A full history of my FOI request and all correspondence is available on the Internet at this address:

<https://www.whatdotheyknow.com/request/b...>

Yours faithfully,

Mr A.J. Wilson

FOI Team Mailbox, Prime Minister's Office 20 November 2020

1 Attachment

FOI2020 13202 REPLY.pdf

114K [Download](#) [View as HTML](#)

Please find attached the reply to your FOI request

Regards

FOI Team

Room 405

70 Whitehall,

London, SW1A 2AS

E-mail -[1][Number 10 request email]

References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

Mr A.J. Wilson 20 November 2020

[Delivered](#)

Dear Prime Minister's Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Prime Minister's Office's handling of my FOI request 'Briefing 21st September 2020'.

In your response, you have neglected to clearly identify which information (out of the requested data) you claim to be held by the Cabinet office. This is a requirement under Section 10(1) of the FOIA. You have an additional duty to pass the request (either partially or in its entirety if appropriate) to the public authority that "does" hold the information you say is not held by the Cabinet Office.

It is my opinion that you have

A) Misapplied the Section 35 exemption.

Without going into excessive detail here I would politely point out that the event to which the data related is now over 2 months old. Thus, any policy decision that was based on the data (or associated communication) is now firmly in the past. Safe space and chilling effect arguments are inappropriate in such an instance. Are you seriously arguing that the Government is forming policy based on 2 month old data?

Furthermore, where I have asked for correspondence between the CMO and the Chief Scientific Officer I would point out that neither of these individuals are involved in policy formation. They have both gone to great lengths to say that "Policy is a matter for Government". Thus, any correspondence between the two of them can not be considered exempt under the grounds of policy formulation.

B) Erred in your analysis of the public interest test

There can be no greater public interest than transparency around the "data" presented as part of the Government's COVID19 response. To come to any other conclusion at this time is patently absurd. Further, conversations between Ministers and non Ministers are irrelevant to the point you make when you write

" If discussions were routinely made public there is a risk that Ministers may feel inhibited from being frank and candid with one another. "

I would submit that if Ministers are afraid of their views becoming public then they are in the wrong job and the Govt should look for higher calibre individuals for the various Offices of State.

A full history of my FOI request and all correspondence is available on the Internet at this address:

<https://www.whatdotheyknow.com/request/b...>

Please be aware that I will be making an ICO Complaint followed by a Tribunal application if this is not resolved within the next 20 working days (as per the Internal Review timeline guidance issued by the ICO). I will lay out my arguments in greater detail should it be necessary to do so at that time.

Yours faithfully,

Mr A.J. Wilson

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