

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 3 September 2015

**Public Authority:** The Foreign and Commonwealth Office  
**Address:** King Charles Street  
London  
SW1A 2AH

#### **Decision (including any steps ordered)**

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1. The complainant has requested information regarding the salary and job role of Cressida Dick. The Foreign and Commonwealth Office ("FCO") refused to provide this citing section 23 (security bodies) as its basis for doing so. It upheld this at internal review.
2. The Commissioner's decision is that the FCO is entitled to rely on section 23(1) as its basis for withholding the requested information.
3. No steps are required.

#### **Request and response**

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4. On 12 April 2015, the complainant requested information of the following description:

"1. Has Ms Cressida Dick, former Metropolitan Police Commander with the Metropolitan Police Service been appointed to a position or post, whether salaried or not within the Foreign and Commonwealth Office?

2. If so, what is the position or post that Ms Cressida Dick been appointed within the Foreign and Commonwealth Office?

3. If so, what is the paid salary, if any of Ms Cressida Dick within the Foreign and Commonwealth Office?"

5. The FCO responded on 8 May 2015. It refused to provide the requested information and cited section 23 (security bodies information) as its basis for doing so. It did provide Cressida Dick's grade and some information about the salary range for that grade.<sup>1</sup>
6. The complainant requested an internal review on 9 May 2015. The FCO sent him the outcome of its internal review on 10 June 2015. It upheld its position with regard to section 23.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 10 June 2015 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the FCO is entitled to rely on section 23(1) as its basis for withholding the requested information.

### **Reasons for decision**

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9. Section 23 (1) states:

*'Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).'*

10. To engage the exemption at section 23(1), a public authority must be able to demonstrate that the relevant information *was directly or indirectly supplied by, or relates to* any of the bodies listed at section 23(3).
11. One of the Commissioner's most senior staff attended the offices of the FCO to view the withheld information. The nature of the information and its provenance were fully explained. The important point to note about section 23 is that it is a class-based exemption. The potential consequences of disclosure are irrelevant, as a matter of law. Even the most unremarkable information, for example, the geographical location of GCHQ, would fall within the description of the class of information caught by the scope of section 23.

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<sup>1</sup> <https://www.gov.uk/government/collections/senior-civilservice-performance-management-and-reward>.

12. In light of the above, the Commissioner is satisfied that the requested information falls within the class of information described in section 23(1) and is therefore exempt under section 23(1).
13. Section 23(1) is an absolute exemption which means that there is no public interest test applicable.

## Right of appeal

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14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Graham Smith**  
**Deputy Commissioner**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**