

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 17 January 2017

**Public Authority:** National Portrait Gallery  
**Address:** St Martin's Place  
London  
WC2H 0HE

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to two meetings that took place in February 2015 that involved BP. The National Portrait Gallery (the Gallery) disclosed some information to the complainant, with personal data redacted under section 40 of the FOIA. The complainant remained dissatisfied and felt that the Gallery holds further recorded information.
2. It is noted that further recorded information was located at the internal review stage and this gave the complainant cause for concern. However, the Commissioner has now investigated and concluded that, on the balance of probabilities, the Gallery does not hold any further recorded information to that already identified. She therefore does not require any further action to be taken.

## Request and response

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3. On 18 January 2016, the complainant wrote to the Gallery and requested information in the following terms:

"1) Members of the National Portrait Gallery's staff were invited and attended a 3-hour "Security Session" on the 12<sup>th</sup> February 2015, hosted by BP at the company's offices. I request that you disclose the following:

  - a) How many members of the National Portrait Gallery's staff attended this session and their respective role and/or position within the institution.
  - b) The agenda, or outline of the content of that session, with regards to its remit and scope.
  - c) Please confirm whether any aspect of that session dealt with, addressed or discussed potential or past protest activity at cultural institutions on the issue of oil sponsorship.
  - d) Any related correspondence by members of the National Portrait Gallery to colleagues relating to or informed by this security session.
- 2) Staff members at the National Portrait Gallery were invited to attend a meeting with BP's Security Team at BP's offices in St. John's Square on Tuesday 3<sup>rd</sup> February 2015 from 1100 to 1200. I request that you disclose the following:

a) How many members of the National Portrait Gallery's staff attended this session and their respective role and/or position within the institution.

b) The agenda, minutes and/or an outlined of the content of that meeting, with regards to its remit and scope.

c) Any related correspondence by members of the National Portrait Gallery to colleagues relating to, or informed by, this meeting."
4. The Gallery responded on 15 February 2016. In relation to question 1a) and b), the Gallery confirmed that three members of staff attended the meeting from its Security, Press and Development departments but it was unwilling to disclose positions or their job titles, as it considered this information is exempt from disclosure under section 40 of the FOIA. It explained the nature of the meeting and that it holds no recorded information other than a brief email dated 10 December 2014, which was sent to the complainant in response to an earlier information request. In respect of questions 1c) and d), the Gallery stated that it

does not hold any recorded information falling within the scope of these elements of the complainant's request. Concerning question 2a) and b), the Gallery advised the complainant that two members of staff from its Security and Development departments attended the meeting on 3 February 2015 but, again, it was unwilling to disclose job titles or roles, as it considered this information is exempt from disclosure under section 40 of the FOIA. It confirmed that it only holds an email of 15 January 2015 in which the scope of this meeting was discussed and this was disclosed to the complainant in response to an earlier request. In relation to question 2(c), the Gallery confirmed that it does not hold any recorded information falling within the scope of this element of the request.

5. The complainant requested an internal review on 23 February 2016. He informed the Gallery that he believed further recorded information should be held, in particular, an agenda item for the meeting of 3 February 2015.
6. The Gallery carried out an internal review and notified the complainant of its findings on 24 March 2016. The Gallery carried out fresh searches and located the agenda item the complainant mentioned but confirmed that no further recorded information is held.

### Scope of the case

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7. The complainant contacted the Commissioner on 22 June 2016 to complain about the way his request for information had been handled. The complainant was unhappy that the agenda item had been located at the internal review stage but was not provided. In addition, the complainant felt that further recorded information is or should be held by the Gallery to that already identified.
8. During the Commissioner's investigation further information was disclosed to the complainant, including a redacted version of the agenda item. The Gallery redacted all personal data included in this agenda under section 40 of the FOIA. Although the Commissioner informed the Gallery of her view on the application of section 40, the Gallery refused to disclose any further information in the agenda item.
9. The complainant made very similar requests to other public authorities and during this investigation the complainant received two copies of the agenda item from two of these. The copies he received were in accordance with the Commissioner's view on section 40 of the FOIA and the complainant agreed to withdraw this element of his complaint against the Gallery. He agreed that pursuing this element of his

complaint would only result in him ultimately receiving the same information to that he had now received.

10. The remainder of this notice will therefore focus on whether, on the balance of probabilities, the Gallery holds any further recorded information to that already identified.

## **Reasons for decision**

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### **Is further recorded information held?**

11. The Commissioner asked the Gallery to explain exactly what searches and enquiries it had made during the handling of this request. The Gallery confirmed that it identified all members of staff that attended the two meetings, interviewed them and requested that they undertake detailed searches of the records they may hold. It was established that, other than the information to date identified, no further recorded information is held relating to either meeting. The Gallery confirmed that this was supported by IT searches.
12. The Commissioner asked the Gallery to carry out fresh searches to ensure that all relevant information had been identified. The Gallery obliged and confirmed that fresh IT searches have been carried out in relation to records held by its Security, Development and Learning departments and no further recorded information has been found.
13. It acknowledged that it did not initially retrieve the agenda item, which was brought to the Gallery's attention at the internal review stage by the complainant. It accepted that it should have carried out a more thorough investigation initially and should not have relied solely of the recollections of attendees. The initial enquiries should have involved further fact checking. However, it stated that it has now rectified this oversight and disclosed a redacted version of the agenda to the complainant. It has also now carried out thorough searches of its records and repeated this process at the request of the Commissioner.
14. In terms of elements 1(d) and 2(c) of the complainant's request, the Gallery confirmed that no further recorded information is held to that already provided and explained that this was due to the fairly routine and mundane nature of the two meetings. It explained that the meeting of 3 February 2015 was an opportunity to share best practices around public safety and was an informal information sharing forum. No notes or minutes were taken and no information was circulated afterwards. The meeting of 12 February 2015 was a seminar run by the Metropolitan Police and other emergency services and local authorities. It explained that this event takes place throughout the year and is offered to

organisations and venues where support may be required with the preparation of emergency plans, evacuation procedures and business continuity planning. The events also support the work of the 'Stay Safe' awareness programme.

15. The two meetings were not considered crucial for archive transfer and therefore it does not hold any notes, minutes or information that was circulated after they took place in relation to them.
16. The Commissioner understands why the complainant may have had concerns over the adequacy of the searches undertaken and believed that further recorded information may be held. The Gallery has accepted itself that the initial searches were not adequate and that further recorded information came to light when further more detailed enquiries were made. The Commissioner is also aware that the complainant has received conflicting responses from a number of cultural institutions relating to the two meetings as a result of similar information requests being made.
17. However, the Commissioner is now satisfied that the Gallery has carried out detailed searches of its records and identified all the recorded information it holds relevant to this request. The Commissioner does not consider there are any further steps that can be taken or additional enquiries that could be made. She is therefore satisfied overall that, on the balance of probabilities, the Gallery does not hold any further recorded information to that already specified. The Commissioner has therefore decided in this case that no further action is required.

## Right of appeal

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18. 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)

19. 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.
20. 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** .....

**Samantha Coward**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**