

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 November 2022

Public Authority: HM Treasury
Address: 1 Horseguards Road
Westminster
London
SW1A 2HQ

Decision (including any steps ordered)

1. The complainant has requested information from HM Treasury about the cost of photographs taken of the Chancellor. HM Treasury explained that as the photographs were taken by its own communications team, there were no external costs and, therefore, it did not hold the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, HM Treasury does not hold the requested information.
3. The Commissioner does not require HM Treasury to take any steps as a result of this decision notice.

Request and response

4. On 23 March 2022, the complainant wrote to HM Treasury and requested information in the following terms:

"I have read reports that pictures such as the one attached are paid for by taxpayers. I have the following questions:

First, is this true?

Second, what is the annual cost of this publicity?

Third, under what legislation is this expenditure incurred?"

Fourth, has the C & AG approved the expenditure as 'regular' under the terms of the Government Resources and Accounts Act 2000?

Fifth, what is the justification for taxpayers meeting this expense?

Sixth, has the Treasury accounting officer approved this expenditure as value for money?

Seventh, if so, has he been directed to approve it?"

5. HM Treasury responded on 14 April 2022. It stated that it had not spent any money on private photographers, including within its marketing and communications teams. It explained that all photographs are taken and edited by members of its communications team at no extra cost and therefore it did not hold the requested information.
6. Following an internal review request, HM Treasury wrote to the complainant on 16 May 2022 and upheld its original position, confirming that the requested information is not held. It explained that there is no expenditure to be deemed regular in relation to the request under the terms of the Government Resources and Accounts Act 2000 and provided a link to the HM Treasury Annual Report and Accounts where the C&AG assessment of the regularity of spend by the Treasury in general can be viewed.

Scope of the case

7. The complainant contacted the Commissioner on 16 May 2022, to complain about the way their request for information had been handled.
8. The Commissioner considers the scope of the investigation is to determine, if the on the balance of probabilities, HM Treasury holds the requested information and whether it has complied with section 1(1) of FOIA.

Reasons for decision

9. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
10. The Commissioner has sought to determine whether, on the balance of probabilities, HM Treasury holds the requested information.

11. From the information provided, the Commissioner can see that HM Treasury has explained in both the original response to the complainant and in the internal review, that it does not hold such information as it had not spent any money on private photography.
12. On the balance of probabilities, the Commissioner is satisfied that the requested information is not held by HM Treasury and, therefore, it cannot be provided.
13. The Commissioner also notes that some of the questions included in the request do not concern recorded information and are therefore not subject to FOIA.
14. HM Treasury has complied with its obligations under section 1(1) of FOIA in this case.

Right of appeal

15. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Michael Lea
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Wycliffe House
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SK9 5AF