

GREATER LONDON AUTHORITY

[REDACTED]
[REDACTED]

26 September 2017

Dear [REDACTED]

Thank you for your recent requests to the Greater London Authority for information about the EU Referendum. Your requests have been considered under the provision of the Freedom of Information Act (the Act).

Further to our recent correspondence and our phone conversation, we advised you we would reply try to all your outstanding FoIA requests in a single letter. We felt this would be the most appropriate way to respond to all of these requests, particularly given the common theme and the degree of overlap between some of the separate requests. That said, I'm sorry for the short delay in providing you with our response to these requests. I hope this has not inconvenienced you unduly.

I think it might be helpful if I quickly cover a couple of important points before we get to our responses to each of your requests.

Firstly, under section 12 of the Act and the associated Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations (2004), the GLA is entitled to aggregate the cost of complying with requests which relate, to any extent, to the same or similar information where they have been received within three months of each other.

Where we estimate the time taken to comply with any aggregated requests exceeds the "appropriate limit", the GLA would be entitled to refuse those requests under section 12 of the Act. This limit is set at £450, calculated as 18 hours of work determining whether the requested information is held, and the time taken to locate, retrieve and extract any such information.

The GLA has not formally relied on these provisions and we have not refused these related requests on cost grounds at this time, even though all of these requests relate, to one degree or another, to the EU referendum; some of these requests could have engaged the cost limit provisions on their own. Instead, we have sought to try and provide you with a clear answer to these requests within these cost-limits.

Secondly, I thought it might be prudent to clarify a couple of issues which we mentioned in our previous responses.

We understand you are trying to build up a picture of how much money has been spent by the GLA (under two different administrations) on activities related to the EU referendum. However,

the GLA does not hold all the information that you have requested or necessarily hold information in the level of detail you have specified.

While there will have been expenditure on GLA work that refers to the EU Referendum and the impact on London, we do not have a means to work out a “total expenditure” or to even calculate some of the specific figures you have requested.

The time which would be required to extract and compile the necessary figures to calculate and compile some of the information you have requested would significantly exceed the aforementioned “appropriate limit” and easily surpass the cost limit provisions I mentioned.

Our response below explains where and why we cannot provide the level of detail you have requested, but in summary, this would involve staff across the whole organisation providing estimates on time they have taken on work that dealt with the different issues raised by the referendum.

There is also the issue that it is not necessarily possible to isolate work on matters relating the EU Referendum and other pieces of work where there may have been some crossover.

In short, the GLA does not monitor or record the time spent by individual staff or teams across the organisation that would allow us to calculate, or even reliably estimate, the amount of time or money spent on such an issue such as the EU Referendum and its result.

Finally, it is important to distinguish between the work of either the current or former Mayor in their official capacity as the Mayor of London, and any activities or work conducted in other capacities. The Greater London Authority only holds information relating the work of the Authority and the work of the Mayor of London in his official capacity in this role.

For example, the former Mayor of London held several positions concurrently: Boris Johnson was the then Mayor of London, the Conservative MP for Uxbridge and South Ruislip, and a key figure in the Leave Campaign. Work he might have conducted in his capacity as an MP or for the Leave campaign was not necessarily conducted in his capacity as the Mayor of London, despite holding that title at the time.

Some media articles would write about the former Mayor’s work for the Leave campaign while referring to him as *‘the Mayor of London’*, but his work for the Leave campaign was not conducted in his official capacity as the Mayor of London. As such, the GLA would not have been involved in these areas of work as they were not relating to the work of the Authority.

Conversely, the Mayor of London and the former mayor have both expressed views about the EU referendum while working on GLA business – i.e. how the result of the referendum might affect London and Londoners. The GLA would only hold information on activities or event of this nature as these would fall within the remit and responsibilities of the Greater London Authority and the Mayor of London.

The GLA was not involved with any of the Vote Leave events or activities and would not have dealt with any of the “campaigning connected actions” that you refer to.

With this in mind, I will now try and address each of these requests in turn, but I hope this brief explanation will help provide some context to our answers below.

MGLA280617-8462 - 28 June 2017

I'd like to request a pdf copy of former Mayor of London, Boris Johnson's diary entries between December 1st until the final entries, which I presume would be on May 9th? His diary from December 1st until he stopped being Mayor, in pdf sent via email to me.

I can confirm the GLA holds this information and a copy of the former Mayor's diary (covering date between 1 January and 9 May 2016) accompanies this letter.

After reviewing the information, and in line with how we have handled previous requests for the Mayor's diary, we have decided that a limited number of entries are exempt from disclosure by virtue of the exemption provisions found under section 40(2) of the Act, insofar as it relates purely to the Mayor's personal life. The annex to this letter explains why this exemption is engaged.

The diary entries covering 1-31 December 2015 have already been published in response to a request made in 2016, reference MGLA180116-3041. Our response to this request can be found [here](#) while the diary entries can be viewed through the following link - <https://www.london.gov.uk/sites/default/files/3041-2.pdf>.

Information about the former Mayor's key engagements is also published in the Mayor's report which forms part the agenda at each Mayor's Question Time (MQT). Copies of records from 2016 are still available on the [GLA's website](#).

The current Mayor has committed to publishing his diary as part of his commitment to openness and transparency. This information can be access through the following link and includes diary entries up until April 2017 - <https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/publication-scheme/mayor-londons-diary>.

MGLA200717-1464 - 19 July 2017

- 1) *Did Mayor of London Boris Johnson, his aids, staff or colleagues make use of public resources when they carried out EU Referendum related activities? (One example would be the staff who were paid public funds whilst they attended Boris Johnson when he appeared at the Treasury Committee's questioning)*
- 2) *What public funds were used for EU Referendum related purposes?*
- 3) *What public staff were used for EU Referendum related purposes?*
- 4) *What public buildings, vehicles and other physical resources were used for EU Referendum related purposes?*

When I say 'EU Referendum related purposes' I'm referring to speeches, television appearances, events, interviews, articles and any other communications or campaigning connected actions. Anything to do with the EU Referendum essentially.

- 1) The GLA is a public authority funded by the taxpayer so all GLA staff make use of public resources when carrying out all elements of their work. This would include any work for the GLA that GLA carried out relating to the EU referendum, as in your example of the Treasury Committee meeting.

As I explained earlier, in the case of the former Mayor, the picture is complicated by the fact that for a time, he held several positions concurrently: Mayor of London, Conservative MP for Uxbridge and South Ruislip, and a key figure in the Leave Campaign. Articles about his work for the Vote Leave campaign refer to 'the Mayor of London' and he expressed views about the EU referendum while working on GLA business.

The GLA was not involved with any of the Vote Leave events or activities and would not have dealt with any of the "campaigning connected actions" that you refer to.

Mr Johnson was invited to the Treasury Committee in his capacity as Mayor of London. We responded to a Freedom of Information request in 2016 saying:

"Two City Hall staff accompanied the Mayor of London to his oral evidence session before the House of Commons Treasury Select Committee on 23 March 2016. The Mayor was not invited in a personal capacity or as the Member of Parliament for Uxbridge and South Ruislip, but as the Mayor of London.

The Committee meeting lasted for 3 hours and the Mayor's Chief Economic Adviser and a Senior Government Relations Officer accompanied him to the meeting. The staff costs equate to approximately £325 but noting this would be considered as part of their normal duties"

- 2) In response to this question, I refer you to our previous response (MGLA300617-8710) in which we confirmed that 'no budget was allocated to EU referendum activities during Boris Johnson's time as Mayor.' We do not have an overall figure or a record we can look up.
- 3) The GLA does not hold this information. The GLA does not log or record the time spent by GLA staff on any piece of work or activity. We therefore do not have any record of staff who spent time on work relating to the EU Referendum, or of who may have accompanied the former Mayor on GLA business when he mentioned his position on the EU referendum while out on GLA business.
- 4) It is prudent that I refer back to my earlier point about the importance of distinguishing between the role of the Mayor of London, and the former Mayor, in their official capacity as Mayor of London and any work that they might undertake outside of this role.

The GLA does not hold any information relevant to this part of your request. The Vote Leave campaign had their own headquarters and staff, as did the Remain campaign. City Hall and the GLA's resources were not used for either campaign's events or activities. Any work or activities carried about GLA staff or officials on behalf of the Mayor of London in his official capacity that were related to the EU referendum in any way were carried out as "normal business" activities. As with the previous parts of this request, the GLA does not hold, and neither can it compile, a breakdown which would show any GLA resources which may have been used solely for GLA work on the referendum.

MGLA240717-1719 - 21 Jul 2017

Can you tell me if any of Mayor Boris Johnson or Mayor Sadiq Khan's staff took time off to campaign for leaving the EU? I don't need the staff's names or personal information. I just need to know if anyone of them requested leave for the purpose of campaigning in the referendum?

The GLA does not hold this information. When members of staff book annual leave they are not required to log the reason for requesting the leave or explain what they will do in their time off. Collating this information from any individuals would (a) involve creating new information

(which is not required under FoIA), and (b) involve the GLA breaching the Data Protection Act as the GLA has no legitimate need to request this level of personal information from staff.

In our previous response reference (MGLA160617-6552), we provided you with a copy of a document sent to GLA staff "EU referendum, 23 June 2016: Advice on the use of resources" which states:

Unlike in election campaigns, where the political restriction rules (which continue to apply at all times) have a particular impact, officers can participate in the referendum campaign in their own time. There must be no use of the relevant organisation's resources for such personal activity and all other rules apply as normal.

MGLA020817-3107 - 2 Aug 2017

I'd like to request copies of all recorded video footage of Mayor Boris Johnson campaigning during the EU Referendum which is held. In particular, I would like to request a copy of Peoples' Question Time, March 3rd 2016. I would suggest asking your colleagues who work in media, film recording and etc if they have unpublished footage of Mayor Boris Johnson.

Our press office confirmed they do not have any TV footage of the former Mayor.

The footage of public meetings at City Hall involving the Mayor is all available on our website at <https://www.london.gov.uk/moderngov/ielistmeetings.aspx?CatId=12932&bcr=1>

You specifically mentioned PQT. Our Events team confirmed that we only receive a highlights video, which is available on our website at <https://www.london.gov.uk/city-hall-blog/peoples-question-time-croydon-highlights>.

MGLA020817-3128 - 2 Aug 2017

I'd like to request freedom of information related to emails and letters sent by Mayor Boris Johnson between the dates of January 1st 2016 up to his final days as Mayor in early May 2016.

I understand that the Mayor's emails were deleted 3 months after he left office. However, I'd like to request that the FOI team ask the IT team to recover the emails. Please ask them if it would be possible to recover the data.

I'd like to request copies of all emails and letters the Mayor sent to Ministers and members of the Executive of the UK government during this time. I'd also like to request copies of emails and letters which contain the following phrases: '£350 million' and '£20 billion'.

Once an item has been deleted or destroyed it is no longer held by the Authority for the purposes of FoIA. Guidance from the Information Commissioner's Office on this point states:

"Requests made under FOIA or the EIR apply to information held at the time that the request is received. So, if a public authority receives a request for information that it held in the past, but has since been destroyed, it no longer holds that information. In order to comply with FOIA or the EIR, the public authority can reply to the request stating that it does not hold the information".

If any emails relevant to your request were held but were deleted before your initial request was received, they are gone and we do not have the means to recover them.

However, the GLA does retain copies of official Mayoral correspondence. We are currently conducting searches to identify any official correspondence which might be relevant to your request. We will provide you with an additional response on this point shortly.

MGLA020817-3130 - 2 Aug 2017

I'd like to request freedom of information related to Mayor Boris Johnson's email newsletters from between the dates of January 1st 2016 to the end of his time as Mayor in early May 2016.

I'd like to request copies of all email newsletters and other communications sent to Londoners and the public by the Mayor of London between these dates.

I can confirm the GLA holds copies of some relevant information. Please see attached copies of 'Mail from the Mayor' newsletters dated January, February and March 2016.

MGLA030817-3259 - 3 Aug 2017

Please see this: 'Other than the £23,365.29 outlined above, no additional budget has been spent on EU Referendum-related activities.'

I think I may have worded my question in a fashion which wasn't clear enough. I would consider that any staff time, travel costs, use of the government car service or any other such costs should be included within the response to this FOI. Mayor Sadiq Khan had his staff accompany him to events related to the EU Referendum, he also made use of transport to do so.

Please would you provide a response which takes into account all such costs?

As with our response to your related request about the previous Mayoral administration, we do not hold this information on staff time. Any staff who accompany the Mayor or other senior officials on GLA related matters are doing so as part of their normal roles in a "normal business" manner. We have no way of compiling staff time on individual events.

We publish expense claims on the GLA website which cover travel and taxis but again it is not broken down in a way that allows us to calculate a total in relation to any single event or area of work. The GLA does not have or use a car service, and we don't own any vehicles.

You refer to events attended by the current Mayor. If you are interested in costs relating to a specific event or events and can provide some details such as the name, location or date, we may be able to locate information using focused searches.

MGLA050917-6253 - 4 September 2017

As I said on the phone, in order to help you save time and resources the most important matter is that of Mayor Boris Johnson's spending on EU Referendum campaign-related activities.

The Mayor made it an official mayoral policy to support the case for leave, we need to know what money he spent on this policy. For example, costs on staff appearing at events with him, transport, advertising and etc. For instance, the Mayor went to Northern Ireland on a Mayoral trip, at which he campaigned for the UK to leave the EU. The cost

of such transport to Northern Ireland should be included. As should his transport to Manchester, Leeds, York, Dartford and any other transport he undertook to carry out campaigning activities.

I have checked the journeys you mentioned and most relate to the work of the Greater London Authority.

The Mayor's diary includes the Manchester and Leeds events, and you will see that they were Vote Leave rather than GLA events. The York event took place after the 2016 Mayoral election; Boris Johnson was no longer Mayor at that stage and we would not hold any information.

The Northern Ireland visit in February 2016 was a GLA activity and you can read about the purpose of the visit at <https://www.london.gov.uk/press-releases/mayoral/mayor-heads-to-northern-ireland>. It is referred to in the attached diary records and listed in the Mayor's report in the MQT records for 16 March 2016.

Some comments made about the EU during that visit were well documented in the media at that time which can still be found online, but to provide the cost of travel to Northern Ireland as 'spending on EU Referendum campaign-related activities' would be inaccurate and misleading.

A visit to Dartford on 11 March 2016 does appear in the diary but there is no GLA press release about the visit. Articles in the FT, Guardian and Kent Online all suggest that this activity was carried out as part of the official Leave Campaign. The content of the speech is UK-focussed rather than London-focussed.

Considering all these factors, it would appear to be that this was not a GLA visit, and in any event, we have been unable to find any other records held by the GLA about it.

If you have any further questions relating any of the above, please contact me, quoting the relevant reference.

You may also be interested in the business/economy section of the GLA's disclosure log where you can see information released in response to previous requests - <https://www.london.gov.uk/foi-disclosure-log?topic=1325&order=DESC>

Yours sincerely,

Ian Lister
Information Governance Manager

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at: <https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

Exemption provisions**Section 40 (2)**

Any information to which a request for information relates is also exempt information if— (a) it constitutes personal data which do not fall within subsection (1), and... (3)(a) in a case where the information falls within any paragraphs (a) to (d) of the definition of data” in section 10) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene — (i) any of the data protection principles

How the exemption applies to this information**Section 40(2) - Third-party personal information**

Some of the information in the Mayor’s diary constitutes personal data as defined in the Data Protection Act because it relates purely to the Mayor’s personal life. In order to balance the Mayor’s public engagements with his private life, the diary includes details of engagements relating to his personal life to ensure there are no scheduling conflicts.

The Mayor has no reasonable expectation that this information might be disclosed in response to FOI requests.

Disclosure of this information would contravene the first principle of the Data Protection Act which states that *‘personal data shall be processed fairly and lawfully’*. It would clearly be unfair to disclose personal data relating to the Mayor where there is no reasonable expectation that details relating to their private lives would be made public in response to an FoIA request.

Disclosure would be a significant intrusion into his personal life and there is no legitimate public interest in this information.

The section 40 exemption is not subject to a public interest test.

Public Interest Test

N/A