

[REDACTED]

6 November 2008

Dear Mr [REDACTED]

**REQUEST FOR INFORMATION UNDER THE FREEDOM OF
INFORMATION ACT 2000**

FO [REDACTED] – PHORM/ WEBWISE

I refer to your request under the Freedom of Information Act 2000 for information relating to Phorm/ Webwise.

I am writing to confirm that the Cabinet Office has now completed its search for the information which you requested on 10th October 2008. This letter is a response to this request for information. For ease of reference I have repeated your questions below. The Cabinet Office's response follows after each of the questions. A copy of the information which you requested is also disclosed in the form of a digest as an annex to this letter.

"8. Please will you disclose all correspondence between the Cabinet Office and BERR, the Cabinet Office and the Home Office, the Cabinet Office and the Information Commissioner concerning the covert trials of Phorm/121 Media Systems conducted by British Telecom in 2006/7?"

No correspondence is held by Cabinet Office concerning these trials.

"9. Please confirm or deny that Downing Street received Fabio Colasanti's letter to Kim Darroch concerning Phorm, supposedly forwarded to Downing Street in mid July 2008."

The Prime Minister's Office ("Downing Street") did not receive Fabio Colasanti's letter to Kim Darroch concerning Phorm. I can however confirm that this letter was received by Cabinet Office during early July this year.

"10. Please disclose all correspondence between the Cabinet Office and the European Commission concerning the letter from Fabio Colasanti to Kim Darroch (UK's ambassador to the European Union) sent 30 June 2008"

A copy of the information which you have requested is attached at annex A in the form of a digest.



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If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Sue Gray
Director
Cabinet Office
70 Whitehall
London
SW1A 2AS

email: foiteam@cabinet-office.x.gsi.gov.uk

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Rachel Clark

ANNEX A

There below follows a digest of all the correspondence between the Cabinet Office and the European Commission concerning the letter from Fabio Colasanti to Kim Darroch (UK's ambassador to the European Union) sent 30 June 2008.

1) An email from a Cabinet Office official to an official in the Commission dated 10 July 2008

Please could I clarify the deadline for this case with you. I understand that the deadline for a UK response is the 11 September 2008. However, in the letter which is attached to the case, Fabio Colasanti requests a reply within one month. Ought I to work toward the 11 September deadline?

Also, I should be grateful if you would let me know what the Commission's deadline is for us accepting or rejecting this case. I received a reminder e-mail from you today but I am not sure when your deadline is for receiving our initial accept/ reject response.

I should be grateful for clarification of these matters.

Very many thanks.

2) An email from a Commission official to an official in the Cabinet Office dated 11 July 2008

The general deadline for responses is 10 weeks but exceptionally (meaning with a due justification), the responsible Commission service can set a shorter deadline. If you feel you can't provide an answer within this shorter deadline, please send an email to the contact point of the service concerned to see what can be done to satisfy everyone.

There is no deadline set for accepting or rejecting a file. But of course, based on the co-operative partnership concept underlying the project, the sooner you can accept or reject the file the better for the Commission service. Please remember that in case of a rejection, you should provide a justification (possible reasons could be: wrong Member State addressed, no public sector activity or clear cross-border issue which would then rather be a SOLVIT file, etc.).

I hope this is useful.

3) An email from a Cabinet Office official to an official in the Commission dated 11 July 2008

Yes this is useful. However please would clarify one more thing: the deadline on the pilot database is 11/09/08 and not the shorter deadline which is

requested in the letter. Is it the case that we should *aim* to provide a response within one month but, if that is not possible, the absolute deadline is 11 September 08?

4) An email from a Commission official to an official in the Cabinet Office dated 11 July 2008

Sorry for replying only now. Reaching the deadline does not imply any legal effect, it is only an aim of good co-operation in order to solve files quickly, so in any case the 10 weeks is always a target but not an absolute deadline (but it is an indication for the DG that passed the deadline it is reasonable to move on to the first step of the infringement procedure).

So the shorter deadline has the same value. It is an indication that the service concerned would need a quicker answer in order to respect other deadlines (it could be for example that the file comes from a European Parliament petition, for which the Commission has only a short deadline to provide an answer).

Technically the link between the request for shorter deadline and the countdown until the deadline is not available, so you will always have a 10 week deadline running on the top of your file even if the service request a shorter deadline. We will see if the IT unit can change that.

We left as much flexibility as possible for the first year of operation, so you will find some areas of uncertainty, but you should always keep in mind that the objective is to solve the cases not only quickly but also efficiently.

I apologise for not being able to give you clearer guidance on this. Let me know if I can be of further assistance.

5) An email from a Cabinet Office official to an official in the Commission dated 11 July 2008

Very many thanks for getting back to me on this; this is certainly very helpful and I think that you have answered my question(s).

6) An email from a Commission official to an official in the Cabinet Office dated 16 July 2008

Could you please give me the name of the UK EU pilot contact point? We have been waiting for two weeks for the UK to accept a file that we uploaded in the system.

Many thanks in advance.

7) An email from a Cabinet Office official to an official in the Commission dated 16 July 2008

I am the contact point for the EU Pilot scheme; I have just taken over from [...]. I am aware that there is a case that you are waiting to accept and I should be in a position to do so by the end of today.

8) An email from a Cabinet Office official to an official in the Commission dated 16 July 2008

64/08/INSO

Please note that file 64/08/INSO has now been accepted by the UK.

Please note that the UK will be able to provide a response within the 10 week deadline but will not be able to provide a response within the 4 week deadline. The earliest we could provide a response would be 4 September. Please let me know if this is an acceptable date.

Please accept my apologies for the delay in acceptance of this file.