



Department for Digital, Culture, Media & Sport

Freedom of Information Team
Department for Digital, Culture, Media & Sport

1st Floor
100 Parliament Street
London SW1A 2BQ
E: foi@dcms.gov.uk

Tel: 020 7211 6111

www.gov.uk/dcms

Jonathan Slee
icocasework@ico.org.uk

ICO2022/13484

IC-165170-X2F6

1 November 2022

Dear Jonathan Slee,

Thank you for your correspondence of 14 October, concerning your investigation into our responses to Carl Heaton's request for information on 10 March (our ref: FOI2022/03788). In this request Carl Heaton asked for the following information:

Please provide all communications between DCMS and Nominet UK (its board, executive or staff) in any format in which it is held for the two weeks period between 2022/02/28 and 2022/03/14.

If your systems are unable to handle this in a cost efficient way, you may limit the request to all communications containing the words "Russia" and/or "Ukraine" and/or "sanctions" and/or "suspensions".

We responded and consequently released some information, and exempt other information under Section 35(1)(a), Section 41(1), and the names of junior staff not already in the public eye were redacted under Section 40(2).

Following your email, we have gathered all of the information you have requested. Apologies for the delay, we have been debating whether to release some information.

Firstly, please find attached (ICO2022_13484 - Released information unredacted) the information initially released, in redaction outline form. We believe that Section 40 was followed correctly. The first email is out of scope, as this is just the FOI officer receiving information. The second email we believe is out of scope, as it falls outside the timeframe.

One document which I have not included (ICO2022_13484 - Official Sensitive: Questions about Nominet - Remain exempt under S41) is an email chain that was exempt from release under Section 41(1). I have not attached this document due to the argument below in point 1, however, if you need to see this, then please let me know. I can confirm that the third party in question in this case is Nominet UK. Our reasons for exempting the above mentioned information under Section 41(1) are as follows:

This chain covers communication between DCMS officials and Nominet regarding a DCMS review of internet Critical National Infrastructure. Essentially, the point of the review was to identify the most critical UK infrastructure, which if lost, damaged or disrupted would cause the most significant damage to the UK. There are 3 key reasons for withholding this chain from release:

1. Even acknowledging that we were speaking with Nominet about this issue would give away the fact that they are critical to UK national security. Allowing this to enter the public domain could raise the profile of how important Nominet is, drawing the attention of our adversaries. Given the sensitivity, there is a legitimate question here about whether ICO should see this.
2. The specific information in this email covers potential critical national infrastructure systems. The level of data aggregation in this chain is towards the top end of OFFICIAL SENSITIVE, but if the chain is to be released, then significant redaction would be required.
3. The information provided by Nominet was in confidence and is commercially sensitive. We need to continue to work with Nominet to ensure their critical systems are secure and resilient, which would rely on our ability to communicate openly.

Please find attached (ICO2022_13484 - DCMS-Nominet rescheduled catch up - Now to be released) an email chain that was exempt from release under Section 35(1)(a). A

Our rationale for initially withholding was that Nominet was going through a crisis and releasing emails would have negatively impacted our working relationship. However, in light that enough time has passed now, we are now content for this to be released.

Before sending the requester this information, I would be interested to receive your thoughts on this decision.

Please let me know if there is anything else you need.

Yours sincerely,

Christopher Eddy
Freedom of Information Team
Department for Digital, Culture, Media and Sport