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# Gove faces probe over private e-mails

By Chris Cook, Education Correspondent



Michael Gove and his closest advisers are being investigated by the Information Commissioner after the Financial Times passed on evidence suggesting a systematic use of private e-mails, which conceal sensitive information from the education department's own civil servants and the public.

E-mail traffic, seen by the FT, shows the education secretary and his advisers have conducted government business using private e-mail addresses. Civil servants were then unable to find these e-mails when asked to retrieve them under the Freedom of Information Act (FOIA).

The information commissioner's office, responsible for enforcing the 2000 act, said it had written to the permanent secretary at the Department for Education (DfE) on Monday requesting more information.

Andy Burnham, shadow education secretary, said: “Mr Gove must make an urgent statement to clarify whether, at all times, his department has followed the letter of the law.”

The circumventing of the official government e-mail network appears to have begun last year within days of the coalition coming to power. Its most explicit expression came on February 24 this year when Dominic Cummings, Mr Gove’s chief political aide, wrote to colleagues stating that he “will not answer any further e-mails to my official DfE account ...”

The e-mail, seen by special advisers across Whitehall, continued: “i will only answer things that come from gmail accounts from people who i know who they are. i suggest that you do the same in general but thats obv up to you guys – i can explain in person the reason for this ...” [sic]

Sir David Bell, permanent secretary at the DfE, said he believed Mr Gove and his advisers “act within the law”.

It is not against the law for ministers and officials to use private e-mail for government business so long as they disclose it. However, it is illegal intentionally to conceal information concerning government business from those seeking public documents using the FOIA.

As part of its inquiry, the FT saw or obtained from third parties e-mails discussing government business circulated through private accounts. It then sought disclosure of all or part of seven of them using targeted FOIA requests. The requests explicitly asked for checks on named private accounts. In each case, the department said the information was not held.

Some of the contents of these e-mails, which were also circulated to Henry de Zoete, another special adviser at the DfE, could be politically embarrassing to Mr Gove as they discuss replacing personnel within the department.

One FOIA request sought to retrieve details of a specific e-mail related to government business written by the education secretary. The e-mail, seen by the FT, was sent in December through a private e-mail account, known to advisers as the Mrs Blurt account, long used by Mr Gove but registered in the name of his wife, Sarah Vine, a journalist at The Times. The department said it did not hold the information.

When the education secretary and his two special advisers were asked whether they used

their private accounts to evade the FOIA, all declined to answer.

Section 77 of the act states that officials must not conceal or destroy information to prevent its disclosure. Breaches of the law carry a fine of up to £5,000.

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