

BERR Ref: 01.04.05/5322c
Your Ref:

Patrick Seurre
Via e-mail
[\[mailto:request-10404-1ef722ac@whatdotheyknow.com\]](mailto:request-10404-1ef722ac@whatdotheyknow.com)

27 April 2009

Dear Mr Seurre

Freedom of Information request : 09/0531

Thank you for your request for information of 15 April 2009.

You requested the following:

I refer you to my previous Fol request:

[http://www.whatdotheyknow.com/request/request for full disclosure of b#incomin g-7413](http://www.whatdotheyknow.com/request/request%20for%20full%20disclosure%20of%20b#incomin%20g-7413)

At the time this was rejected because it was apparently not in the public interest to do so at the time.

We are now being sued by the EU commission thanks to the apparent failure of this government to properly implement EU legislation.

We now have the possibility of large fines that will have to be paid by UK taxpayers combined with the apparent ineptitude show by the UK government in it's dealings with the confidentiality of data. As a result of this I believe that the situation has now sufficiently changed to merit the release of these undisclosed documents.

Please could you provide the documents that were requested in my previous Fol request.

As we replied to your earlier request of 17 September in the letter of 15 October 2008, the information contained in the letter is being withheld as it is exempt by application of section 27 of the Freedom of Information Act 2000.

Section 27 (1) (b) exempts information if its disclosure would, or would be likely to prejudice, relations between the United Kingdom and any international organisation including the European Commission.

This is a qualified exemption and in order to consider your request, I am required to consider and balance the public interest in withholding the information against that in disclosing it.

There is a clear public interest in transparency in the workings of government and in awareness of the European Commission's powers to intervene on behalf of consumers and its willingness to use those powers. However it is also important that the Commission and member states should be able to raise issues with one another initially in confidence.

The prejudice that would be caused to relations between United Kingdom and the European Commission is a material factor, as is the important part that this information plays in free and frank discussion, which would be likely to be inhibited by disclosure. If this correspondence were less candid in the future, its value would be reduced.

Furthermore, it is important to take account of the context in which this correspondence arises. The process by which the European Commission corresponds with its member states is a bilateral iterative process in which the European Commission is able to express any concern it has about the implementation of European law in the State, and the Member State is able to set out, in an equally free and frank manner, its views on the points raised by the Commission.

The issues that are raised at the beginning of this process can often be quite different from those issues (if any) which may eventually be the subject of formal proceedings.

We have, therefore, concluded that the public interest in maintaining the exemptions outweigh the public interest in disclosing the information.

Appeals procedure

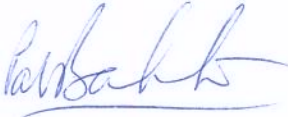
If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter. If you wish to request an internal review please contact me in writing, quoting the above reference number .

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,

Wilmslow,
Cheshire,
SK9 5AF.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Patrick Balchin', with a horizontal line underneath.

Patrick Balchin
Business relations 2