



HM TREASURY

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Ref: 9/379

12 June 2009

Dear Mr McMillan,

Freedom of Information Act 2000: IMF report

Further to our letter of the 20 May where we explained that we needed further time to reach a decision on this request I write to set out our conclusion of your request for information exchange between the Treasury and the International Monetary Fund on 20, 21 and 22 April 2009.

In reaching this decision we have consulted the IMF over the information that fell within the scope of your request. While being mindful to the International Monetary Fund (Immunities and Privileges) Order 1977, which we explain below, we are however able to explain that the IMF contacted the Treasury to provide an advance, embargoed copy, of their publication overnight on the 20 April through our Executive Director. The IMF's normal practice is to circulate embargoed reports to all Executive Directors at the same time as they are sent to the media. The Treasury contacted the IMF on 21 April questioning data in the publication. The IMF immediately agreed to review the data, and as a result reissued their publication on 22 April.

In the course of undertaking an assessment of the public interest test we now believe that the information falling within the scope of your request engages the absolute exemption at section 44(1)(a) of the Freedom of Information Act. Section 44(1)(a) applies where disclosure would be prohibited by or under any enactment. In this case we consider that disclosure would be prohibited by section 1 of, and paragraph 2 of Schedule 1 to, the International Organisations Act 1968. Amongst other things, the Act confers various privileges and immunities on designated international bodies. The IMF is such a body by virtue of the International Monetary Fund (Immunities and Privileges) Order 1977. One of those privileges and immunities is the inviolability of official archives, which includes correspondence to and from the organisation. Section 44 of the Freedom of Information Act is an absolute exemption and we are therefore not required to consider whether the public interest in maintaining the exemption outweighs the public interest in release.

We continue to take the view that section 27(1)(b) applies to all of the information and that section 27(2) applies to some of the information. These exemptions apply where release would, or would be likely to prejudice relations with, amongst others, international organisations. These are qualified exemptions requiring us to consider whether the public interest in maintaining the exemption outweighs the public interest in



release. As we take the view that the absolute exemption at section 44 applies to all of the information falling within the scope of your request we have not gone on to carry out the public interest balancing exercise in relation to section 27.

Yours sincerely

**Information Rights Unit
For HM Treasury**

Your right to complain under the Freedom of Information Act 2000

If you are not happy with this reply, you may request a review by writing to HM Treasury, Information Rights Unit, 2/S2, 1 Horse Guards Road, London SW1A 2HQ. Email foi.responses@hm-treasury.gov.uk. Any review request must be made within 2 months of the date of this letter. It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Treasury. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.