

BIS Ref: 01.04.05/6219c & 01.04.05/6718c

Mr Peter John
Via e-mail

1 December 2009

Dear Mr John

Freedom of Information requests 09/1586 & 09/1136

Thank you for your request for information of 21 October 2009.

You asked that

I am writing to request an internal review of Department for Business, Enterprise and Regulatory Reform's handling of my FOI request 'Shriti Vadera and Phorm'.

*A full history of my FOI request and all correspondence is available on the Internet at this address:
<http://www.whatdotheyknow.com/request/sh...>*

Please could I ask you to reconsider this request.

I am aware Tim O'Sullivan, BT's Director of PR, stated in an email to David Hendon (dated 23 April 2008 18:01, disclosed in earlier FOI requests);

"Do you think we should have any concern that Malcolm says there have been no discussions with BT (which might imply none between BT and BERR) when Shriti and ??? have discussed?"

If Shriti Vadera has met with and/or discussed the controversy

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concerning Phorm with a senior employee of BT, it seems likely there would be associated correspondence (both before and afterward).

I would be most grateful if you would identify the person at BT with whom Shriti Vadera discussed Phorm, and the date of that conversation.

Specifically: confirm or deny, that the discussion was with Ian Livingston, Chief Executive of BT.

Your request has been split into two separate entities;

- 1) an internal review of the reply given to your request of 3 August 2009; and
- 2) a separate and distinct request for information outside of the original request.

A reply regarding your request for an internal review of your request of 3 August 2009 will be sent separately from this letter. This letter deals specifically with the additional information asked for in your e-mail of 21 October 2009. Please accept my sincere apologies for taking so long to reply to your request. This delay has occurred because we were waiting for a response from a third party which was not received until 27 November 2009.

You asked the Department to *“identify the person at BT with whom Shriti Vadera discussed Phorm, and the date of that conversation.*

Specifically: confirm or deny, that the discussion was with Ian Livingston, Chief Executive of BT.”

I can confirm that the Department holds some of the information you requested. Having examined our paper and electronic records, we are unable to identify the date of the conversation that you refer to.

The information held is exempt under Section 40 (Personal Information) of the Freedom of Information Act, and is being withheld.

Section 40 provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release the names of the third party involved and do not think that any of the relevant conditions apply.


[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.

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 black ink, appearing to read 'Patrick Balchin', with a horizontal line underneath it.

Patrick Balchin

