

BIS Ref: 01.04.05/6219c

Mr Peter John  
Via e-mail address:

<mailto:request-15954-5e2bed39@whatdotheyknow.com>

15 February 2010

Dear Mr John

**Freedom of Information case 09/1136 – Internal Review**

Thank you for your e-mail of 21 October 2009 13:44 seeking an internal review of the response to your case (BIS ref 01.04.05/6219c). Patrick Balchin wrote to you separately on 1 December 2009.

I wish to offer a sincere personal apology for the time it has taken me to reply to your e-mail.

I have reviewed the case and I am satisfied that the exemptions applied under Section 40 of the Freedom of Information Act have been properly applied.

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.

Consequently I am upholding the original decision to withhold this personal data.

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



*PR* PHILIP RUTNAM  
Director General, Business Group