

23rd January 2009

Dear Mr Volynchok

I am writing in response to your request for an internal review of the Natural History Museum's handling of your FOI request, in particular the decision to withhold the "deliberations, advice and scores" relating to the Anglo American company assessment.

I have reviewed the manner in which your original request was handled and interviewed all members of staff involved in reaching the conclusion sent to you on December 11th by our FOI Coordinator, Polly Parry.

I have examined the arguments set out in Polly Parry's letter and after full consideration I uphold the decision to apply section 36 2(b) and the opinion of the qualified person under the Act (Dr Michael Dixon), i.e. that to disclose this information would inhibit or would be likely to inhibit free and frank provision of advice and exchange of views for the purposes of deliberation. I also uphold the view that maintaining the exemption outweighs the public interest in disclosing the information.

In addition, I am of the opinion that the NHM can also rely on section 43(2), i.e. that information is exempt if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

I consider that the public interest in maintaining the exemption under section 43(2) outweighs the public interest in disclosing information. I believe that disclosure of the deliberations would prejudice the commercial interests of the NHM and would be likely to influence a prospective funder's choice of sponsorship partner, thereby jeopardising an essential supplemental income stream to grant-in-aid for the Museum. This would in turn have a detrimental effect on the enhancement of our scientific research, educational facilities and public offer that as one of the world's great institutions, the NHM works to provide.

This letter concludes the Museum's responsibilities under FOI legislation. As stated previously, if you are not content with the outcome you can apply directly to the Information Commissioner who can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

David Thorpe

Head of Audit and Assurance

Note: Audit & Assurance is an independent function reporting via the Museum's Audit and Risk Committee to the Board of Trustees