



Home Office

Information Access Team
Shared Services Directorate
2 Marsham Street, London SW1P 4DF
Switchboard 020 7035 4848

E-mail: FOIRequests@homeoffice.gsi.gov.uk Website: www.homeoffice.gov.uk

Dr Geraint Bevan
request-6841-4acf63b4@whatdotheyknow.com

June 8, 2010

Ref: CR 11126

Dear Dr Bevan

I am writing further to my correspondence of 26th February regarding your information request dated 29th January. We are now in a position to provide you with a full reply to your request.

I am pleased to be able to disclose some of the information that you requested to you. Please find this information attached at Annex A

We have not included the names of officials attending meetings where they were not Senior Civil Servants. This information is those people's personal data and its disclosure would breach the Data Protection Act, and it is therefore exempt from disclosure under section 40(2) of the FOI Act.

We have also not included precise details of the discussions during the meetings. This information is exempt from disclosure under section 43(3) of the FOI Act.

Furthermore we neither confirm nor deny whether we hold any additional information by virtue of Sections 23(5) (information supplied by or relating to the security bodies listed in section 23(3) of the FOI Act), and 24(2) (information relating to national security) of the FOI Act. You should not take this response to indicate that any additional information either is or is not held

Further explanation of the application of the above exemptions, including where applicable the relevant public interest tests, can be found in the Annex B to this letter. If you are dissatisfied with this response details of our complaints process can be found in Annex C.

I hope that you find this information of interest, and would like to assure you that you have been supplied with all disclosable information that the Home

Office holds. Where exemptions have been applied I would like to assure you that their use has been considered with great care in this case.

Yours sincerely,

Diana Pottinger

Information Access Team

**Annex A to letter– information to be disclosed
Core Home Office ; meetings held with Detica in the month Jan-Feb 2009**

Permanent Secretary				
1) Date	2) Location	3) Subjects discussed	4) Participants	5) Any agreed outcomes
27 January	Home Office Headquarters 2 Marsham Street London SW1P 4DF	The general relationship between Detica and the Home Office. The General range of services provided by Detica. Further details of discussions withheld s43(3)	David Normington (Permanent Secretary) Assistant Private Secretary name withheld s40(2) 2 representatives from Detica	
Commercial Directorate				
28th January	Home Office headquarters, 2 Marsham Street, London, SW1P 4DF	The general relationship between Detica and the Home Office. The General range of services provided by Detica. The acquisition of Detica by BAE systems (Holdings) Limited on 25th September 2008.	Category Lead for Professional Services in the Home Office Commercial Directorate and Director, Homeland Security Business Unit	To meet again in the late spring of 2009 to provide mutual updates of significance

Annex B

Application of exemptions

Section 40(2)

It is the general policy of the Home Office not to disclose, to a third party, personal information about another person. This is because the Home Office has obligations under the Data Protection Act and in law generally to protect this information. The Data Protection Act 1998 sets out rules governing the processing of personal data i.e. information relating to identifiable living individuals. These rules are known as the eight Data Protection Principles. Wherever an FOI request potentially involves the disclosure of personal data, that data can only be disclosed if its release would be compatible with the Data Protection Principles. Where disclosure would not be compatible with one or more of them the information is exempt from disclosure under section 40(2) of the FOI Act. In this case disclosure would not be compatible with the first Data Protection Principle, that being that the processing of personal data must be "fair and lawful", with the result that section 40(2) of the FOI Act applies.

Section 43(2)

The disclosure of precise details of possible changes in the relationship between Detica and the Home Office, and the progress of currently held projects would prejudice both Detica and the Home Office's commercial interests. Inappropriate disclosure of sensitive commercial information would undermine the Home Office's commercial interests by damaging the private sector's faith in the department's ability to maintain a confidential relationship, where necessary, with its suppliers. Similarly disclosure of sensitive commercial information would be damaging to Detica's commercial position. We accept that there is a strong public interest in the disclosure of information about the Home Office's dealings and contracts with its private sector partners, both in the interests of accountability and public understanding. However in this case we believe that this public interest is outweighed by the public interest in ensuring that the Home Office can work with its private sector partners to deliver in as effective and cost efficient way possible. This would currently be damaged by disclosure in this case.

Sections 23(5) and 24(2)

First, Section 23(5) of the FOI Act provides that where necessary the Home Office can decline to say whether or not it holds information (whether or not already recorded) which, if it exists, would be directly or indirectly supplied to the public authority by, or would relate to, any of the bodies specified in subsection (3). The bodies listed in subsection (3) are:

(a) the Security Service,

- (b) the Secret Intelligence Service,
- (c) the Government Communications Headquarters,
- (d) the special forces,
- (e) the Tribunal established under section 65 of the Regulation of [2000 c. 23.] Investigatory Powers Act 2000,
- (f) the Tribunal established under section 7 of the [1985 c. 56.] Interception of Communications Act 1985,
- (g) the Tribunal established under section 5 of the [1989 c. 5.] Security Service Act 1989,
- (h) the Tribunal established under section 9 of the [1994 c. 13.] Intelligence Services Act 1994,
- (i) the Security Vetting Appeals Panel,
- (j) the Security Commission,
- (k) the National Criminal Intelligence Service, and
- (l) the Service Authority for the National Criminal Intelligence Service.
- (m) the Serious Organised Crime Agency

Section 23(5) is an absolute exemption and no consideration of the public interest test is required.

Secondly, Section 24(2) provides that we can decline to say whether or not we hold information where necessary for the safeguarding of national security. Section 24 is a qualified exemption, subject to the public interest test.

There is a clear public interest, in the Home Office's dealings with private companies being transparent in the interests of promoting accountability and public understanding. Also, issues surrounding national security are of significant public interest. However, whilst it is well known that the Home Office works on various national security issues, given the overriding importance of safeguarding national security it is not in the public interest to confirm or deny whether or not we hold additional information relevant to this request.

You should not take this aspect of our response to provide confirmation or otherwise that the Home Office holds such additional information relevant to your request.

Annex C – Complaints

If you are dissatisfied with this response you may request an independent internal review of any aspect of our handling of your application by submitting your complaint to:

Information Access Team
Information and Record Management Service

Home Office
Ground Floor, Seacole Building
2 Marsham Street
London
SW1P 4DF

During the internal review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response.

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.