

Margo MacDonald MSP

request-8359-92ec087@whatdotheyknow.com

24 September 2009

Dear Margo MacDonald

Freedom of Information Request 09/0296

Thank you for your e mail dated 18 May 2009 to Paul Bannister requesting an internal review following his reply to you dated 1 May 2009, which was the Department's final response to your request for information in your e mail dated 22 February 2009. With that response, we released 22 of the 29 documents found to be within the scope of your request (20 in full and two with redactions), and explained the reasons for withholding the remainder.

I have reviewed the original material that was considered and I am satisfied that the exemptions applied under the Freedom of Information Act 2000 have been properly applied and that the reasons given in our letter to you dated 1 May are still appropriate and valid. If we released the information you have asked for I believe this would adversely affect the public interest because disclosure would be likely to make future decision making in a case such as this, involving sensitive policy and commercial interests, less effective by making commercial parties less willing to provide information, and policy officials less willing to debate and articulate in writing policy options and advice. The passage of time and the completion of the merger between Lloyds TSB and HBOS have not altered this.

The review paid particular attention to the exemptions applied under Sections 35, 36, 43 and 44 of the Freedom of Information Act 2000. I have concluded that these have been applied properly and that the reasons given to you for withholding disclosure are still valid and appropriate. Therefore, I am satisfied that the public interest, as previously outlined, is still best served by not disclosing the information requested and consequently, I am upholding the original decision not to disclose the information.

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If you are not content with the outcome of the internal review, you have the right to apply direct 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

John Alty

JOHN ALTY
Director General, Fair Markets