



Department
for Exiting the
European Union

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Nicholas Da Costa
Via: request-433843-b233f8c2@whatdotheyknow.com

Our ref: DEX000670

23 October 2017

Dear Nicholas Da Costa,

I refer to your request, where you asked:

I request that the Department for Exiting the European Union release the analysis of 50 sectors of the United Kingdom economy of the impact of Brexit. These reports were confirmed by the Minister of State at the Department for Exiting the European Union, the Rt. Hon. David Jones MP.

I can confirm the Department for Exiting the European Union does hold information which relates to your request. This information is being withheld as exempt in accordance with Sections 27, 29 and 35 of the Freedom of Information Act, which protect information that could prejudice international relations, the UK economy and the formulation of government policy. The reasoning behind these exemptions is outlined below.

Section 27 and Section 29

The information you have requested is exempt under Section 27(1)(c-d) of the Freedom of Information Act, which exempts information from release if to do so would, or would be likely to, prejudice: (c) the interests of the UK abroad, or; (d) the promotion or protection by the UK of its interests abroad. The information requested is also exempt from disclosure in accordance with section 29(1)(a-b) of the Act, which exempts information if it would, or would be likely to, prejudice: (1)(a) the economic interests of the UK, or; (1)(b) any part of the UK, or the financial interests of any administration in the UK (where "administration in the UK" means the UK Government, the Scottish Administration, the Executive Committee of the Northern Ireland Assembly, or the Welsh Assembly Government).

These are both qualified exemptions and I have considered whether the balance of the Public Interest favours disclosing this information or withholding.

DExEU recognises the importance of transparency in public affairs to ensure the public are able to scrutinise the manner in which public authorities reach important decisions. In wake

of the UK's decision to leave the EU, we understand the public interest in being assured that the Government's approach to foreign policy and international relations reflects current and relevant analysis and consideration of our exit on various sectors and industries and their economic outcomes.

Against this, there is a very strong public interest in the correct handling of the UK's national and regional interests abroad. In the context of the ongoing bilateral negotiations with the EU, we find that the release of this information could be detrimental to the Government's negotiating position, the protection of which has been agreed by Parliament. Causing harm to the Government's negotiating position would inherently be likely to cause harm to the economic or financial interests of the UK or UK administrations. We have therefore concluded that the public interest favours withholding this information as release would likely jeopardise immediate and future UK interests.

Section 35

The information requested is also exempt under section 35(1)(a) of the Act, which exempts information held by a government department if it relates to (1)(a) the formulation or development of government policy.

Section 35 is a qualified exemption and I have considered whether the public interest in exempting the information in scope outweighs the public interest in releasing the information. Along with the arguments for disclosure stated above, we recognise that policy formulation is in the public interest as policy can have significant impact on the lives of citizens and there is therefore public interest in the transparency of policy area assessments concerning the UK's exit from the EU.

Opposing this, there is a strong public interest in policy making associated with our exit from the EU being of the highest quality and being fully informed by a consideration of all options. It is therefore important that policy officials are granted a secure space where the formulation of policy can be thoroughly examined without being subject to detrimental public / media scrutiny and criticism. In releasing information in scope, we may undermine the effective formulation of policies which may play a key part in our negotiation strategy as well as potentially jeopardising the future formulation of policy, where it would not be undertaken in the same free and candid manner without fear of external scrutiny. Given all circumstances of the case I have concluded that public interest favours withholding the information we hold within the scope of your request over releasing.

If you have any queries about this letter, please contact the FOI team. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Freedom of Information Team (internal review)
Department for Exiting the European Union
9 Downing Street

SW1A 2AG

You should note that DExEU will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by DExEU. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wilmslow
Cheshire
SK9 5AF

Yours faithfully

Freedom of Information Team, DExEU.