



Department
for Exiting the
European Union

Freedom of Information Team
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www.gov.uk

Shaun Davey
Via: request-427274-7fc00da5@whatdotheyknow.com

Our ref: DEX000579

26 September 2017

Dear Shaun Davey,

I refer to your request, where you asked:

It has been widely reported in the press that your department holds over fifty studies on the impact of Brexit on the UK economy. For example:
<http://www.independent.co.uk/news/uk/politics/brexit-50-studies-impact-economy-nurses-eu-a7893216.html>

This is in line with earlier statements: for instance in a FoI response to G Simmons dated 11 November 2016, you confirmed that "As the Secretary of State has said in the House of Commons, we are undertaking an assessment of the impact of exit on over fifty sectors of the economy".

I now request the following information under the Freedom of Information Act, which I believe is held by your department:

1. Please confirm the existence of the studies referenced above.
 2. Please confirm the precise number of studies.
 3. Please provide a list of the titles of the studies and/or a list of the sectors of the economy covered by the studies.
 4. For each of the studies please provide the date of its commissioning, the date of its original (non-draft) issue and of its date of last update. If the study remains in a 'draft' state, please provide the date of last update and the expected (non-draft) issue date.
 5. For each of the studies:
 - a. Where the study was produced within the department by civil servants or directly-supervised government contractors, please provide the number of person-days of effort which was devoted to its production.
 - b. Where the study was produced by an external contractor(s), please identify the external contractor(s) and quantify the external spend in producing the study. Please specify also specify the government contracting route(s) under which the work was procured. With reference to the spend figures, an approximate response will suffice, thereby protecting commercially sensitive information.
 6. For each of the studies, please confirm the number of pages (printed sides of A4) in the final document(s).
 7. Please confirm whether or not the studies are being updated as the course of Brexit becomes clearer, or whether these are now static documents.
 8. Please provide a copy of any generic brief which was provided to the authors of the studies in tasking them. For instance any document giving details of the required scope, assumptions to be made, Brexit scenarios to be considered and form/format of response etc.
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We can confirm that the Department for Exiting the European Union (DExEU) holds in part the information you have requested.

1. I can confirm that the Department holds the sectoral analyses referred to in your request.

2-3. The information you have requested is being withheld as exempt under Section 22 of the Freedom of Information Act 2000 (the Act). Section 22(1) provides that information is exempt if -

- a) The information is held by a public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not).
- b) It is reasonable in all circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).

Section 22 is a qualified exemption and we have considered whether the balance of the public interest favours maintaining the exemption in section 22(1) or disclosing the information.

There is a public interest in transparency being demonstrated by public authorities releasing information to the public. We understand that government transparency increases public trust and it is beneficial for the public to be kept informed about key matters which affect them. This is particularly pertinent as we leave the EU, and is why the Government has already committed to publishing the list of sectors analysed.

Please find the below links which reiterate the Department's commitment to publish this data:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-06-21/239/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-07-10/3781/>

As we already intend to release the information, the public interest test we have to consider is whether greater public interest in releasing the requested information to the public at large in an organised and efficient manner (through publishing), or releasing it to individuals as it is requested. There is a strong public interest in ensuring that the process is conducted effectively, and in a manner which allows the Government to simultaneously address the need for releasing information alongside their normal departmental work. The timing of publication is also important as it is key not to jeopardise the longer-term value of the information in question by, in this case, publishing the list in an FOI prematurely rather than as planned on the Government website in due course.

The ICO recognises and encourages the organised publication of information, which DExEU has every intention of doing, and since there is high public interest in the preparations for negotiations being conducted as efficiently as possible without resource being diverted to other tasks, we have concluded that the public interest in withholding this information outweighs the public interest in releasing it with respect to Section 22(1).

The information you have requested will be published on our website in due course.

4, 6. I can confirm that the Department holds this information. The information you have requested is being withheld as exempt under section 27(1)(a-d) of the Act, which exempts information from release if to do so would, or would be likely to, prejudice: (a) relations between the UK and any other State; (b) relations between the UK and any international organisation or international court; (c) the interests of the UK abroad, or; (d) the promotion or protection by the UK of its interests abroad.

Section 27 is a qualified exemption and I have considered whether the balance of the public interest favours releasing or withholding this material.

Further to the general reasons for disclosure stated above and specific to this exemption, DExEU recognises the public interest in being made aware of any details, in this case the metadata of the sectoral analyses, that may provide information on the Government's preparedness for the negotiations.

This being said, we have taken into account that there is a substantial public interest in the Government being able to successfully pursue our national interests abroad. The Department has agreed to release the list of sectors for transparency, but this must be balanced with the public interest in achieving a successful outcome to the negotiations, which could be jeopardized by releasing the respective length and relevant dates of each document. With the negotiations ongoing, we find that the analyses still relate to a very much live issue and could lead to sensitive information relating to our negotiation strategy, namely evidence of prioritisation and depth of analysis, being inferred. For this reason, there is an overwhelming public interest in withholding information which could harm our negotiating position.

I have determined that in all circumstances of the case, public interest favours withholding the information we hold within the scope of your request over releasing.

5.a. We can confirm that DExEU does not hold this information. This exercise relied on expertise and involvement from across Government, and we are as such unable to ascertain the effort in days that went into producing these studies.

5 b. We can confirm that no external organisations were approached to conduct the analysis referred to in your request.

Although we did not directly commission analysis from external sources for the purpose of these studies, the Government continues to engage with stakeholders as we negotiate our exit from the EU and will always make use of a wide range of information relevant to the topic at hand to ensure a successful outcome.

7. I can confirm that the Department holds this information. Taken in isolation, this initial set of analyses are stand alone documents. However, the studies continue to be used to inform subsequent analysis which is constantly being updated in response to and in anticipation of the fast-paced nature of the ongoing negotiations.

8. We can confirm that the Department holds this information. This information is being withheld as exempt under Sections 27 and 35 of the Act, which protects information held by a government department if its release would prejudice international relations and if it relates to the formulation of government policy respectively. The reason for the application of these exemptions is outlined below.

Section 27

The information you have requested is being withheld as exempt under section 27(1)(a-d) of the Act, which exempts information from release if to do so would, or would be likely to, prejudice: (a) relations between the UK and any other State; (b) relations between the UK and any international organisation or international court; (c) the interests of the UK abroad, or; (d) the promotion or protection by the UK of its interests abroad.

Section 27 is a qualified exemption and I have considered whether the balance of the public interest favours releasing or withholding this material.

Specific to this exemption and this part of your request, DExEU recognises the public interest in understanding the Department's approach to these studies, not least when they may have been used to inform the UK's negotiating position.

However, as in the case above, this must be considered within the international context of the ongoing negotiations. As previously argued, there is high public interest in the Government withholding information that would harm its negotiation position. In this case, information pertaining to the scope of and approach to these studies could allow the Government's priorities and negotiating strategy to be inferred. For this reason, there is an overwhelming public interest in withholding information which could prejudice the Government's ability to promote and pursue our interests abroad.

I have determined that in all circumstances of the case, public interest favours withholding the information we hold within the scope of your request over releasing.

Section 35

The information requested is also exempt under Section 35(1)(a) of the Act, which protects information held by a government department if its release would prejudice 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.

Further to the reasons for disclosure explored above, particular to this exemption we also recognise that policy formulation and/or development 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 any deliberations. This is particularly pertinent as we leave the EU.

Against this, there is a strong public interest in policy making associated with our

exit from the EU being of the highest quality and conducted in a safe space to allow for design and deliberation to be done in private. In this case, releasing the commissioning document for this exercise, which is still a live policy issue, may undermine the effective formulation or development of policies which are key to our negotiating strategy. Disclosure would similarly set a precedent that would inhibit free and frank discussion in the future. Without the necessary safe space for unreserved instruction in commissioning briefs, the quality of the eventual advice from the respective exercise would be diminished and would in turn lead to poorer decision making.

I have therefore determined that in all circumstances of the case, public interest favours withholding the information we hold within the scope of your request over releasing.

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 foi@dexeu.gov.uk or:

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
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Freedom of Information Team, DExEU.