

Our Ref: FOI2021-021
By email only

Date: 14 April 2021

Dear Ermine Amies,

Thank you for your email of 7 February 2021 in which you made a request under the Freedom of Information Act 2000 (FOIA) for the following:

1. Any application you made in 2019 or 2020 to be a “Stonewall Diversity Champion” or to be included on Stonewall’s “Workplace Equality Index,” including any attachments or appendices to those applications. Please redact personal details if necessary.

I can confirm that the Serious Fraud Office (SFO) is a member of Stonewall and by virtue are listed as a Stonewall Diversity Champion on their website. However, when renewing our membership we are not required to submit an application.

The SFO did not take part in Stonewall’s 2019 or 2020 Workplace Equality Index.

2. Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme.

N/A

3. Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).

After searching the relevant inboxes we have identified a number of emails retained from 2019 and 2020.

Please see the attached four email chains. These are being disclosed with the necessary redactions under the below sections of the FOIA:

- Section 40(2) personally identifiable information;
- Section 41(1) information provided in confidence;
- Section 43(2) commercial interests.

In addition, some emails and attachments have been withheld in full under section 41(1) and section 43(2).

Section 40

We consider disclosure of the personal data held within the attached emails would constitute a breach of the first data protection principle outlined in the General Data

Protection Regulation (GDPR). This is that “personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject”. Releasing the personal data to the world at large could not be reasonably interpreted as “fair” processing.

Section 40(2) of the FOIA is absolute exemptions and therefore I am not required to consider the public interest in releasing personal data.

Section 41

Section 41 of the FOIA deals with Information provided in confidence and provides that:

(1) Information is exempt information if —

(a) it was obtained by the public authority from any other person (including another public authority), and,

(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Disclosing emails and attachments pertaining to paid-for membership benefits and other paid-for products would constitute a breach of confidence.

In addition, Paragraph 6 of the Terms and Conditions of membership (Diversity Champion) provides that “The member undertakes that it shall not at any time disclose to any person any information that it has received from Stonewall, by virtue of its Membership Benefits or otherwise, which may be of a confidential nature”.

Section 41(1) of the FOIA is an absolute exemption and therefore I am not required to consider the public interest in releasing information provided in confidence.

Section 43

Section 43 of the FOIA deals with Commercial interests and provides that:

(2) Information is exempt information 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).

Section 43 of FOIA is a qualified exemption. As such, it requires consideration of whether the public interest in exempting the information outweighs the public interest in disclosing whether the public authority holds the information. More information about exemptions in general and the public interest test is available on the ICO’s website at www.ico.org.uk.

The SFO appreciates that the general public may wish to obtain information about the way we interact with diversity and inclusion organisations for the purposes of transparency as a publicly funded body.

However, disclosing information concerning paid-for membership benefits and services, and additional paid-for services, supplied by Stonewall through email communication and attached documents would likely prejudice or adversely affect Stonewall's ability to effectively conduct commercial transactions. The release of the information would likely impact Stonewall's ability to act competitively as the information could be used by its competitors. In addition, releasing the emails and documents that have been provided by Stonewall as part of our paid-for membership would likely impact Stonewall's future engagement with public bodies if released to the general public, this in turn would likely impact their ability to trade.

Having considered the opposing arguments, I have concluded that the stronger public interest lies in maintain the exemption found at section 43(2) of the FOIA through redacting and withholding some information.

4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).

N/A

5. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services.

The SFO paid £3,000 in 2019 and in 2020 to Stonewall for services.

6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.

The SFO intends to renew our membership of Stonewall in 2021.

Right of Review

If you are not content with my reply, you may ask for a review. You must do this by writing to me within two months of the date of this email. It would help us with the review if you could tell us which aspects of my reply concern you and why you are dissatisfied. Please quote reference **FOI 2021-021** in any future correspondence.

If you are not content with the outcome of an internal review, you may apply direct to the Information Commissioner for a decision. The Information Commissioner will not usually consider a case unless you have exhausted the internal review procedure. Her address is The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

I hope you find this response helpful.

Kind Regards,

L Webb



Serious Fraud Office