



Department
for Exiting the
European Union

Freedom of Information Team
Correspondence Unit
9 Downing Street
SW1A 2AG

foi@dexeu.gov.uk
www.gov.uk

Jonathan Rush
Via: request-453168-020c90b0@whatdotheyknow.com

Our ref: DEX000949

14 February 2018

Dear Jonathan Rush,

I refer to your request, where you asked:

In the section dealing with Ireland and Northern Ireland, the Joint Report of the UK and the EU Brexit negotiators published on 8 December 2017 states that "[t]he Parties have carried out a mapping exercise, which shows that North-South cooperation relies to a significant extent on a common European legal and policy framework." See paragraph 47 of this document:

https://ec.europa.eu/commission/sites/beta-political/files/joint_report.pdf

I am writing to request disclosure of all documents which you hold relating to this mapping exercise.

I can confirm that the Department for Exiting the European Union holds information relevant to your request. Release of this information is exempt under section 27(1)(a)(b), and section 35(1)(a) of the Freedom of Information Act 2000 ("the Act").

Section 27

Section 27(1)(a) and (b) of the Act exempts information if it would, or would be likely to, prejudice; (a) relations between the United Kingdom and any other State, or; (b) relations between the United Kingdom and any international organisation or international court, in this case the European Union.

Section 27 is a qualified exemption and I have considered whether the public interest favours releasing or withholding this information. There is a general public interest in government transparency, which in turn, increases public trust and engagement with government and ensures the Government is held accountable to its decisions.

Against this, there is a strong public interest in the correct handling of the ongoing exit negotiations. There is significant public interest in maintaining an effective working relationship between the UK and the EU, especially in the context of the exit process and as we seek to build a strong and close relationship with the EU after the negotiations have

completed. If we were to disclose information in scope of your request, we believe this would be likely to prejudice those working relationships and in turn adversely affect the UK's national interests and the outcome of the negotiations. In this instance, I have therefore determined that the public interest favours withholding this information over disclosure.

Section 35

Some of 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 we have therefore considered the balance of public interest in disclosing this information or exempting it.

DExEU recognises that transparency in policy formulation and 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 deliberations.

Opposing this, we find there is a strong public interest in ensuring policy formation and decision-making is well-informed and duly considered. While the UK negotiates its withdrawal from the EU, it is vital that all available options and implications are discussed candidly. If information within scope of your request were to be disclosed, we believe it would undermine the effective formulation of policy and in turn, jeopardise our negotiation strategy and the overall outcome of the exit agreement. We 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 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 foi@dex.eu.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
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Freedom of Information Team, DExEU.