



Department for International Trade

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FOI2020/03383

10 September 2020

Dear Jenna Corderoy ,

Thank you for your email of 15 July where you requested the following information:

Dear Department for International Trade,

I understand that the FOI round robin list is issued daily to Whitehall departments, and that it comprises of FOI requests across departments that either (a) are identical requests that have been sent to multiple departments or (b) are asking about sensitive subjects that have been reported to the Cabinet Office Clearing House. Once a request is added to the list, other government departments who receive the same request also notify Clearing House.

In light of this, I would like to request the following information:

- (1) What criteria does the department use - or refer to - when it flags requests to the round robin list? Please provide a copy of the criteria, or guidelines.
- (2) What criteria does the department use - or refer to - when it flags requests to the Cabinet Office Clearing House? Please provide a copy of the criteria, or guidelines.
- (3) Does the department have a list of sensitive subjects which prompt requests being flagged to the Cabinet Office Clearing House? Please disclose it if it exists.
- (4) For the past two weeks, please provide a copy of all requests that have been sent to the Cabinet Office Clearing House by this department (please redact requesters' names).
- (5) For the past two weeks, please provide a copy of round robin lists received by the department (please redact requesters' names).

I would like to remind the department that in Decision Notice FS50841228, the ICO ruled that the Cabinet Office had to release past round robin lists.

I would like to receive this information in an electronic format. If you feel that a substantive response to this request is not possible within a reasonable time frame, I would be grateful if you could contact me and provide assistance as to how I can refine the request. If you need any clarification, please contact me. I look forward to receiving a response in 20 working days. Many thanks.

Yours faithfully,

Jenna Corderoy

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

We can confirm that the Department for International Trade does hold the information you have requested. We have redacted information under section 40 (personal information) in Annex A and Annex B and withheld information under Section 36(2)(b)(i)&(ii) (Prejudice to the effective conduct of public affairs) for part 5 of your request which is included in Annex B.

Section 40 (personal information)

Section 40(2) of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. The exemption is designed to address the tension between public access to official information and the need to protect personal information.

I can confirm that the Department holds the information requested for details of requests received and sent to Cabinet Office Clearing House for the period stipulated in your request. We are not obliged, however, under Section 40(2) of the Act to provide information that is the personal information of another person if releasing would contravene any of the provisions in the General Data Protection Regulation (GDPR). We do not consider the right of public access to official information to outweigh the right of these individuals to have their personal information protected.

Section 36(2)(b)(i)&(ii) (Prejudice to the effective conduct of public affairs)

This exemption applies to some of the information because, in the opinion of a Qualified Person, the disclosure of the information would be likely to inhibit (i) the free and frank provision of advice, or (ii) the free and frank exchange of views for the purposes of deliberation. In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure. In particular, we have considered that:

- Releasing documentation that relates to specific advice about sensitive cases regarding our assessment, would be likely to inhibit the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberation.
- There is a real concern that the nature and quality of the advice we receive from other Government Departments (OGDs) such as the Clearing House advice (which is part of the Cabinet Office) contained in the round robin lists and is an essential part of our guidance process, would be impaired significantly by the risk that this advice might in future be disclosed. For example, to avoid public and media controversy concerning their recommendation and advice, Clearing House might simply recommend

refusal of difficult round robin referrals cases instead of providing advice based on careful risk assessment. Alternatively, they may be less inclined to include the same level of detail as they do now. It is imperative that decisions are taken following a well-informed risk assessment provided by Clearing House having considered all the information available.

We have equally considered the arguments in favour of disclosure. In particular, transparency improves engagement between the public and government and that it is desirable that the public can satisfy themselves that decisions are taken on the basis of the best available information. However, we have concluded that any arguments in favour of disclosure are outweighed by those against. This is because we are of the opinion that that the public interest in maintaining the integrity of assessments made in the Department and the advice and views shared between Department for round robin referrals outweighs any arguments in favour of transparency in the circumstances of this case.

(1) What criteria does the department use - or refer to - when it flags requests to the round robin list? Please provide a copy of the criteria, or guidelines.

The Department considers each Freedom of information request based on the contents. The Department will refer a request to the round robin list if the request is generic in nature and could apply to several government departments or if the request is for sensitive information such as recent media releases.

(2) What criteria does the department use - or refer to - when it flags requests to the Cabinet Office Clearing House? Please provide a copy of the criteria, or guidelines.

As with Q1 the Department will refer round robin requests to the Cabinet Office Clearing House with regards to the information requested. The Department will consider any sensitivities in the information requested and request guidance from Cabinet Office Clearing House.

(3) Does the department have a list of sensitive subjects which prompt requests being flagged to the Cabinet Office Clearing House? Please disclose it if it exists.

The Department does not hold a list of sensitive subjects which prompts requests being flagged to Cabinet Office Clearing House.

(4) For the past two weeks, please provide a copy of all requests that have been sent to the Cabinet Office Clearing House by this department (please redact requesters' names).

A copy of the last 2 weeks requests that have been sent to the Cabinet Office Clearing House by this Department is contained in Annex A. We have redacted requesters details under section 40 The date range used is from 1st July 2020 to 15 July 2020 which is the date of your request. One request was received on the 30 June 2020 and sent to Cabinet Office Clearing House on the 1st July 2020.

(5) For the past two weeks, please provide a copy of round robin lists received by the department (please redact requesters' names).

Annex B contains the redacted round robin lists received by the department from Cabinet Office Clearing House. We have redacted requesters details under section 40 (personal information) and the actual advice provided by Clearing House for round robin referrals under section 36 (Prejudice to the effective conduct of public affairs). The date range used from the

1st July 2020 to 15 July 2020 which is the date of your request. There was no round robin list circulated on 10 July 2020.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to the Information Rights Unit:

Information Rights Unit
Department for International Trade
3 Whitehall Place
London
SW1A 2AW Email: foi@trade.gov.uk

Please remember to quote the reference number above in any future communications.

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

Department for International Trade