



Department  
for Exiting the  
European Union

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

[foi@dex.eu.gov.uk](mailto:foi@dex.eu.gov.uk)  
[www.gov.uk](http://www.gov.uk)

Kristian Healey-Ryder  
Via: request-447314-4d6b28bc@whatdotheyknow.com

Our ref: DEX000853

12 December 2017

Dear Kristian Healey-Ryder,

I refer to your request, where you asked:

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Please provide me with copies of correspondence (including letters, reports and emails) from Ministers and/or Directors sent to and received from Legatum Institute.

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I can confirm the information you have requested is held by the Department for Exiting the European Union (DExEU).

There has been no correspondence between Directors at the DExEU and the Legatum Institute.

Information contained in the correspondence between DExEU Ministers and representatives from the Legatum Institute falls into two categories, one category contains administrative correspondence between Ministerial Private Offices and the Legatum Institute relating to meeting arrangements. The release of this information is exempt under section 35(1)(d), which exempts information if it relates to the effective operation of a Ministerial Private Office. The other category relates to correspondence exempt from release under section 35(1)(a), which exempts information if it relates to the formulation or development of government policy.

Section 35 is a qualified exemption and I have considered whether the public interest favours releasing or withholding this information. There is a public interest in releasing information that increases transparency, which in turn increases public trust and confidence in government. Further to the general reasons to support disclosure, under section 35(1)(d) there is a public interest in ensuring Ministerial public offices are cost effective in line with public expectations. In addition, under section 35(1)(a) there is a public interest in the transparency of policy deliberations as policy decisions can have a significant impact on the lives of citizens.

Against the public interest for disclosure, under section 35(1)(d) the principle of safe

space is used for the effective operation of Ministerial private offices to ensure that they operate free from interference or distraction. The protection of safe space allows private offices to focus on the day to day management of the Minister's office and diary, thereby ensuring the time and cost effective administration of private offices. Any release of correspondence or information that will impact on the safe space needed for the effective operation of a Ministerial Private Office may hinder the effective administration of private office. Furthermore, there is little objective public interest in releasing correspondence that relates to routine administrative functions and day to day management of private offices.

Furthermore, under section 35(1)(a) there is a strong 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 important that policy officials can consider and exchange views on all available options and openly discuss and understand potential implications, especially on live issues. The Information Commissioner's Office recognises the role of external organisations in the policy formulation process and that government departments engage with a range of external organisations to ensure all possible options are considered during the policy process. DExEU engages with external organisations from different sectors and industries to understand how the individual sectors and industries function to assist in the formulation and development of policy relating to the ongoing exit negotiations and future relationship with the EU. Releasing the information in scope may result in a chilling effect that will prevent policy officials from considering all available views and options. This may create unintended consequences which could potentially jeopardise policy formulation or development in the future, which may play a key part in our negotiation strategy regarding our exit from the EU.

I have determined that the circumstances of this case favours withholding the information we hold in scope of your request over releasing it.

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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@dexeu.gov.uk](mailto: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  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

**Freedom of Information Team, DExEU.**