

Edward Williams

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6 August 2021

Dear Mr Williams

Refs: IR2021/12885
FOI2021/10833

Freedom of Information Act 2000 Internal Review

Thank you for your email dated 20 April 2021, requesting an internal review of our response dated 20 April 2021 to your information request made under the Freedom of Information Act 2000 (the FOI Act), under our reference: FOI2021/10833. We apologise for the long delay in providing this internal review response.

The department has now completed its internal review process and has carried out a thorough review of the case overseen by a senior official who was not involved with the original request.

Background

On 21 March 2021, you made the following request under the FOI Act:

"Disclose all texts and replies regarding "David Cameron 'texted Rishi Sunak for Greensill Treasury loans" - <https://uk.yahoo.com/news/david-cameron-texted-rishi-sunak-203946919.html>"

On 20 April 2021, we provided our response. We explained that part of the information you requested was already in the public domain, and therefore, as provided for under section 21 of the FOI Act, we were not required to separately provide that information to you. Instead, we provided a link to where that information was published.

We withheld the communications sent by David Cameron to the Chancellor, under section 41(1) of the FOI Act (information provided in confidence). This is an absolute exemption and therefore did not require a consideration of the balance of the public interest.

On 20 April 2021, you requested an internal review as follows:

"Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Her Majesty's Treasury's handling of my FOI request 'Greensill Treasury loans'. Public interest is a defence."

The Review

I have considered the response we provided to you and whether our handling was compliant with our obligations under the FOI Act. I am content that these exemptions were properly engaged at the time of our response.

Section 21 – Information already accessible

I am satisfied that some information in scope of your request was already in the public domain and accessible to you.

Section 41(1) – Information provided in confidence

These incoming communications were made by David Cameron in his capacity as an employee of Greensill, and with an expectation of confidence.

We still consider that we were entitled to rely on this exemption at the time of our initial response to your request. However, we note that the texts from David Cameron have since been placed in the public domain by the Treasury Select Committee (TSC). David Cameron provided these texts alongside other material to the TSC under cover of his letter to the Chairman, Mel Stride, dated 6 May 2021. This material was published by TSC on 11 May 2021. See the last three items at the link below:

[Lessons from Greensill Capital - Correspondence - Committees - UK Parliament](#)

As such, the exemption can no longer apply to the information we withheld. As the information you are seeking is now in the public domain, you are able to access it for yourself. Some limited third-party personal data contained in these communications continues to be withheld under section 40(2), as explained below.

Section 40(2) - third party personal data

Section 40(2) of the FOI Act, by virtue of section 40(3A)(a) provides an absolute exemption for third party personal data, where disclosure would contravene any of the data protection principles set out in Article 5 of the UK General Data Protection Regulation. This exemption has been used to withhold some limited third-party personal data contained in the information in scope.

Conclusion

I hope that by setting out the basis of the review, its findings and conclusions above, you will be assured that the Treasury has, on your behalf, carried out a thorough and considered review of the request you made and the response that the Treasury gave under the FOI Act.

If you are not content with the outcome of this internal review you have the right to apply directly to the Information Commissioner for a decision. The Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Head of Information Rights Unit