

Mr Anthony Barber

Via email: request-467805-
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www.gov.uk/hm-treasury

27 March 2018

Ref: FOI2018/04480

Dear Mr Barber

Freedom of Information Act 2000: HM Treasury

Thank you for your enquiry of 27 February 2018, which we have considered under the terms of the Freedom of Information Act 2000 (the FOI Act).

You asked for the following information:

"I would like to request information about the contracts HM Treasury has procured from Oliver Wyman since the EU referendum on 23 June 2016.

Please can you provide the following information for each contract: a signature date; the financial value of a contract; a description of services provided; level of access contracted staff have to Government's sensitive information; and HMT's business case for commissioning Oliver Wyman.

In particular, I would like to request a copy of all reports that Oliver Wyman has delivered to HMT about the impact of Brexit on financial services.

In addition to this, please can you provide a copy of all correspondence between HMT and Oliver Wyman employees since the EU referendum on 23 June 2016."

I can confirm that HM Treasury does hold information within the scope of your request.

The Government is in the process of carrying out a programme of rigorous and extensive analytical work that will contribute to our exit negotiations with the EU and to define our future partnership with the EU. In doing so, we have drawn on a range of internal and external views and analysis, as part of good practice to ensure the rigour of HM Treasury's officials' advice. This includes services procured from the consultants Oliver Wyman through a competitive procurement process.

However, we believe that material in scope of your request should be withheld due to it engaging the following exemptions under the FOI Act.

Section 21 – material within the public domain

Information within scope of your request engages the exemption at section 21 (material within the public domain) of the FOI Act. In particular, Oliver Wyman's report 'The Impact of the UK's exit from the EU on the UK-based financial services sector' has been published at the website below:

<http://www.oliverwyman.com/our-expertise/insights/2016/oct/The-impact-of-Brexit-on-the-UK-based-Financial-Services-sector.html>

Section 22(1) - information intended for future publication

Information within scope of your request engages the exemption at section 22(1) (information intended for future publication) of the FOI Act. In particular, details of contracts will be published in due course on the Contracts Finder website at the link below:

<https://www.gov.uk/contracts-finder>

Section 22 is a qualified exemption and we are required to consider the public interest in early disclosure against publishing the information in the future.

There is a strong public interest in the publication of contract information in order to promote transparency and accountability. However, public authorities such as HM Treasury must, within reason, have space to be able to determine their own publication timetables and deal with the necessary preparation, administration and context of publication. The Act recognises that the coincidence of individual requests for information should not determine the publication timetables of public authorities, outside a planned publication. Given this, we judge that the balance of interest lies in not disclosing the information held at this time, but in releasing the information within the planned publication.

Further, given that services procured from the consultants Oliver Wyman were procured through a competitive process, I can also confirm that HM Treasury does not hold a business case document.

In your request, you also ask for information about the level of access contracted staff have to Government's sensitive information. It would be helpful if you could clarify what information you are seeking here.

Section 35(1)(a) – development of government policy

Information within scope of your request engages the exemption at section 35(1)(a) (development of government policy) of the FOI Act. Section 35(1)(a) is a qualified exemption and we are required to balance the public interest between disclosure and non-disclosure. In relation to the release of this information, we recognise that there is an inherent public interest in transparency and accountability of public authorities. We also recognise the broad public interest in furthering public understanding of the issues with which public authorities deal, including relating to the UK's decision to leave the EU. There is a clear public interest in the work of government departments being transparent and open to scrutiny to increase diligence.

Balanced against this, with regard to section 35(1)(a) is the public interest in protecting the government's ability to discuss and develop policies and to reach well-formed conclusions. The Information Commissioner has recognised that policy development needs some degree of freedom to enable the process to work effectively and we consider that there is a strong public interest in protecting information where release would be likely to have a detrimental impact on the ongoing formulation/development of policy. There is a strong public interest in protecting against encroachment on the ability of ministers and/or officials to formulate and develop policy options freely and frankly.

In this case, there is an additional, very weighty, public interest in safeguarding the safe space for policy development in preparing for and participating in exit negotiations, and allowing for that advice to be freely given and received. This is particularly so given that negotiations are continuing. There could be a chilling effect on the ability of the government to efficiently form policy if decision makers and their advisers knew that the

discussions and advice would be revealed, particularly whilst the wider exit process is on-going. In our view, these public interests clearly outweigh the public interest in disclosure.

Section 27(1)(b) – relationship with any international organisation, section 27(1)(c) – the interests of the UK abroad, and section 27(1)(d) – the promotion or protection by the UK of its interests abroad

Section 27 is a qualified exemption and we are required to balance the public interest between disclosure and non-disclosure. We consider that disclosing any information held which relates to the United Kingdom's negotiations with the European Union, would or would be likely to prejudice these negotiations and undermine the UK's ability to protect and promote its interests abroad. Release of this information at such a sensitive time would be detrimental to the government's negotiating position. These interests, again, substantially outweigh those in favour of disclosure set out above.

Section 29(1)(a) – the economic interests of the UK or any part of it, and section 29(1)(b) – the financial interests of any administration in the UK

Section 29 is a qualified exemption and we are required to balance the public interest between disclosure and non-disclosure. We consider that disclosing any information held which relates to the United Kingdom's negotiations with the European Union, would or would be likely to prejudice the economy. The public interest balance under section 29 also falls against disclosure. This is because release of the information would be detrimental to the government's ability to protect the economic and financial interests of the UK. The adverse impact on the negotiations process that would be likely to result from release of the information would have wide-ranging repercussions not just on the government's ability to develop effective policies but also on its ability to manage the economy and protect national and international interests.

We therefore consider that the public interest lies decisively in favour of withholding this information.

Section 43(2) – prejudice to commercial interests

Information within scope of your request falls under the exemption in section 43(2) (prejudice to commercial interest) of the FOI Act. This is a qualified exemption and we are required to balance the public interest between disclosure and non-disclosure. We recognise that there is a public interest in knowing that the Government is achieving value for money and that commercial activities are conducted in an open and honest way. However, there is a strong public interest in the government not undermining the commercial position of private companies by releasing commercial information which would normally remain confidential.

We therefore consider that the public interest lies in favour of withholding this information.

Section 41(1) - information provided in confidence

Information within scope of your request engages section 41(1) of the FOI Act which relates to information provided in confidence. Section 41(1) provides that information is exempt if 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. This is an absolute exemption which does not require us to consider the public interest balance in disclosure.

Section 40(2) – personal data

Section 40(2) of the FOI Act, by virtue of section 40(3)(a)(i), provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release the personal data of junior members of staff or third parties and do not think that any of the relevant conditions apply.

If you have any queries about this letter, please contact us. Please quote the reference number above in any future communications.

Yours sincerely



Information Rights Unit

Your right to complain under the Freedom of Information Act 2000

If you are not happy with this reply, you can request a review by writing to HM Treasury, Information Rights Unit, 3/Red, 1 Horse Guards Road, London SW1A 2HQ or by emailing us at the address below. Any review request must be made within 2 months of the date of this letter.

Email: foirequests@hmtreasury.gsi.gov.uk

It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

If you are not content with the outcome of the review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner will not make a decision unless you have exhausted the complaints procedure provided by HM Treasury which is outlined above.

The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (or via their website at: <https://ico.org.uk>).