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21 September 2022

Dear Amanda Hayman

Ref: FOI2022/16174

## Freedom of Information Act 2000

Thank you for your enquiry of 26 August 2022, which we have considered under the terms of the Freedom of Information Act 2000 (the FOI Act).

You asked for the following information:

*"1. Confirm whether your organisation applied to be part of the Stonewall Workplace Equality Index in A) 2018 (for 2019), B) 2019 (for 2020) or C) 2021 (for 2022) (NB the index was suspended in 2020/21 because of Covid)*

*2. Give details of the total amount of money you paid to Stonewall in 2021 whether or not as payment for goods or services.*

*3. State whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.*

*If the answer to any part of 1 is yes please supply:*

*4. Any application you made in 2021 to be included on Stonewall's Workplace Equality Index, including any attachments or appendices to those applications. Please redact personal details if necessary.*

*5. Any feedback you received in 2018/19 or 2019/20 or 2021/22 from Stonewall in relation to either application or programme. This must include the priorities or objectives written by your organisation's representative at the end of the feedback form (under the heading 'Priorities for the year ahead' in 2019; 'Your priorities' in 2020)."*

Following a search of our records, we can confirm that HM Treasury does hold information within the scope of your request.

1. Applied 2018/19 and 2019/20. No application in 2021/22
2. This information is in the public domain. The link to this information was provided in the response sent to you on 26<sup>th</sup> August 2022: <https://questions-statements.parliament.uk/written-questions/detail/2021-11-09/72343>.
3. No immediate plans
4. None.

Regarding your fifth enquiry, please note that we are interpreting this as referring to the 2018/19 and 19/20 feedback reports the Treasury received from Stonewall.

The information we hold engages the exemptions at section 41 - information provided in confidence – and section 43(2) – prejudice to commercial interests – of the FOI Act.

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. In this case the information was obtained by a third party in confidence. This is an absolute exemption which does not require us to consider the public interest balance in disclosure.

Section 43(2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any legal person (an individual, a company, the public authority itself or any other legal entity). Section 43(2) is a qualified exemption and we have set out below our considerations in release and non-release of the information.

We recognise that there is a public interest in transparency regarding the accountability of public funds and the basis of the Government's dealings with external organisations such as Stonewall and how those interactions take place. We are aware that such transparency can inform understanding of the issues dealt with by the Treasury.

Balanced against this is the consideration that, in this case, Stonewall provided the Treasury with their feedback on our contribution to their UK Workplace Equality Index, membership which the Treasury paid, on a confidential basis and on the understanding that it would remain as such. We consider that disclosure of this information would be likely to prejudice the commercial interests of Stonewall. This is because release of such feedback may give competitive advantage to other organisations who already provide or wish in future to provide similar services to those of Stonewall.

The transparency of information is met to some extent by Stonewall publishing their rankings of organisations, which you may like to access yourself, for example, through an internet search.

Given the public interest balance considerations set out above, we conclude that the public interest in withholding the information outweighs the public interest in disclosing it.

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

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Email: [foirequests@hmtreasury.gov.uk](mailto:foirequests@hmtreasury.gov.uk)

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