

Natasha Clark
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data.access@justice.gsi.gov.uk

5 September 2018

Dear Ms Clark

Freedom of Information Act (FOIA) Request – 1800808028

Thank you for your request dated 8 August 2018 in which you asked for the following information from the Ministry of Justice (MoJ):

Theresa May has confirmed that various departments have been allocated funding for planning for the outcome of no deal in the 2018/19 financial year.

- 1. Could you confirm whether the Ministry of Justice has been allocated funds, and if so, how much?**
- 2. I would like to request correspondence between your department, the Department for Exiting the European Union and the Treasury about the funds for Brexit preparations.**
- 3. Could you confirm the correspondence that has taken place to allocate this money involving ministers from the above departments and yourselves.**
- 4. And can you also confirm whether the money has been spent as of the 8 August 2017. and if so, are you able to list the projects or areas this took place in?**
- 5. If the money has yet to be spent are you able to provide a time frame of when this is expected to be done?**

Your request has been handled under the FOIA.

MoJ holds some of the information in the scope of your request.

Question 1

I can confirm that the MoJ holds the information that you have requested. However, the information is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. The information detailing the allocation of funding from HMT to MoJ, for the purposes of spending on preparation for EU Exit, can be accessed via the following link: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-03-13/HCWS540/>.

This funding was not specifically ringfenced for expenditure on no deal scenarios and is being used by the Department to prepare for a range of scenarios, including a 'no deal'

scenario. The spend against this funding cannot be disaggregated to identify the costs associated with planning for a no deal outcome.

Question 2 & 3

I can confirm that the MoJ holds the information that you have requested. However, the requested information is exempted from disclosure under section 35 (1) (b) of the FOIA. This is a qualified exemption which means that the decision to disclose the information is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, I took into account the following factors.

Public interest considerations favouring disclosure:

- Since Brexit is the largest change affecting government, the public want to know about its funding and the related correspondence between government departments. Hence, a disclosure will increase awareness among the public on EU exit funding.

Public interest considerations favouring withholding the information:

- In matters relating to formulation of government policy, communications between government departments should be withheld to protect cabinet collective responsibility.

On balance, I consider the public interest favours withholding the information at this time.

Question 4 & 5

The MoJ has begun to incur expenditure against this funding and based on current forecasts the Ministry expects to use all of the HMT EU Exit funding allocation in this financial year. The finalised allocations for this, as with all Reserve funding, will be confirmed in the Supplementary estimates 2018-19 in early 2019.

It is expected that work relating to EU Exit within the MOJ will continue into 2019-20, but funding arrangements have yet to be confirmed by HMT.

Spend to date has been incurred across multiple workstreams within MOJ HQ and its Arm's Length Bodies and Her Majesty's Courts and Tribunal's Service.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Disclosure Team, MoJ, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Raja Rajendran
Group Finance MoJ