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Andrew Wood

By email: request-99482-26019d8c@whatdotheyknow.com

Our ref: MGLA170412-9301

Date: 18 June 2012

Dear Mr Wood

Thank you for your email of 17 April where you ask for an internal review of the handling of your Environmental Information Regulations (EIR) request for correspondence and meeting notes with other parties relating to The Air Quality Initiative of the Regions (received on 6 January, reference MGLA090112-8725).

This internal review has been conducted by someone who was not involved with the handling of the original request.

As requested, the review considered the GLA's use of a number of EIR exceptions to withhold information.

1. 12(4)(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data

You make the point that because the AIR memorandum is complete and published the withheld draft versions cannot be considered in the course of completion and are therefore not incomplete.

The Information Commissioner's published position on this issue is that drafts are unfinished documents and remain unfinished even upon completion of a final version. Therefore, requests for drafts will engage the exception regulation 12(4)(d). See <http://www.ico.gov.uk/foikb/FOIPolicyDraftsofdocumentswherefinalversionsarecomplete.htm> for further details. The review finds that the use of this exception is upheld.

2. 12(5)(a) disclosure would adversely affect international relations

You argue that international relations would not be affected as the information you are requesting is between a local authority (the GLA) and a lobbying organisation (the Air-Quality Initiative of Regions Group) rather than another body which is, or represents, another government authority.

The GLA applied the regulation 12(5)(a) exception to withhold correspondence between the GLA and other European Regions who make up the AIR group. This includes 12 Regions from seven Member States.

The term 'international relations' refers to relationships between the UK and other governments or international bodies. The Information Commissioner's Freedom of Information Act guidance on International Relations defines an international body as any international organisation whose members include any two or more States.

Information likely to prejudice the interests of the UK abroad will include information held by a public authority, which if disclosed, would harm UK interests in relation to an international arrangement (in this case the Air-Quality Initiative), or in its dealings with another state or non-UK

organisation (in this case there would be harm to the working relationships between the GLA and the other European Regions who make up the AIR Group). The interests of the UK abroad and the international relations of the UK cover issues such as: communications between the GLA and other European Regions; the exchange of political views between the bodies; UK policy and strategic positioning in relation to other states or to international organisations.

Non-disclosure was deemed necessary to ensure trust and confidence was maintained between the GLA and the AIR Group members – allowing for free and frank exchange of opinions and views without fear of them being made public at a later date. This is essential to allow the GLA to engage effectively with its European partners in Brussels.

In light of the fact that a joint position paper is due to be published on 26 June 2012, the review finds that it is in the public interest for the behind-the-scenes communications between the different Regions to remain confidential. The use of this exception is therefore upheld.

3. 13(3) To the extent that the information requested includes personal data of which the applicant is not the data subject, the personal data shall not be disclosed otherwise in accordance with regulation 13

Your complaint suggests that emissions related information is not of a personal nature and therefore cannot be exempt from disclosure under regulation 13(3).

The GLA applied this exception to withhold the names and details of officials from the Regions who appear on the various communications. All other non-personal data was withheld using one of the exceptions above. The use of this exception is upheld.

As stated above, on 26 June the AIR Group will be publishing a joint position paper at <http://en.vlewa.eu/air>, which will hopefully address many of your questions and concerns. In addition, in the spirit of openness the GLA is willing to meet with you to provide a briefing about its engagement activities in Brussels and the work of AIR. Please contact Elliot Treharne, Air Quality Manager, at Elliot.Treharne@london.gov.uk to arrange this.

I trust this response addresses your concerns. However, if you remain dissatisfied you may take your complaint to the Information Commissioner at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Further details can be found at <http://www.ico.gov.uk/complaints.aspx>.

Yours sincerely,



Albert Chan
Information Governance Manager