

Joseph Lloyd

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16 February 2022

Dear Joseph Lloyd

Ref: FOI2021/28468

Freedom of Information Act 2000

We wrote to you on 19 January 2022 to explain that we held information in scope of your request and by virtue of section 10(3) of the FOI Act, we needed to give further consideration to the public interest with regard to the information under section 35(1)(a) of the FOI Act (formulation and development of Government policy). We have now completed our assessment and this letter sets out our conclusions on your request.

You asked for the following information:

"Under the Freedom of Information Act 2000 I wish to see the following information regarding Rishi Sunak's trip to California in December 2021:

- The names and job titles of those who went on the trip.*
- Full copies of all notes, minutes, agendas and briefing materials for meetings that were attended on the trip.*
- Full copies of all agendas/itineraries/dairies for the trip.*
- A full breakdown of all of the costs associated with the trip (including fees, travel, accommodation, food and any other related costs). If funding came from any second or third parties please include them in the breakdown."*

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

The names and job titles of those who went on the trip are:

- Michael Webb, Special Adviser – Economics
- Cass Horowitz, Special Adviser – Media and Policy
- Elizabeth Perelman, the Chancellor's Principal Private Secretary

One further junior official accompanied the Chancellor on the trip. We are withholding their name under section 40(2) (personal data) of the FOI Act, by virtue of section 40(3A). Section 40(2), by virtue of section 40(3A) 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 (UK GDPR). The first data protection principle requires the disclosure of third-party personal data to be lawful, fair, and transparent. We believe that releasing the information would breach the first data protection principle, since it would be unlawful and unfair to release the information.

The information we are releasing is attached.

However, some of this information is being withheld in reliance on the following exemptions of the FOI Act:

- section 35(1)(a) – formulation and development of Government policy.
- section 35(1)(d) – operation of any Ministerial private office.
- section 43(2) – prejudice to commercial interests.
- section 27(1)(a) – prejudice to relations between the United Kingdom (UK) and any other State.
- section 27(1)(b) – prejudice to relations between the UK and an international organisation.
- section 29(1) – prejudice to the UK economy.
- section 31(1)(a) – prevention or detection of crime.
- section 40(2) – third party personal data.
- section 21 – information accessible by other means.
- section 22 – information intended for future publication.

Most of these are qualified exemptions and we have set out below our public interest balance considerations in release and non-release of the information.

Sections 35(1)(a) and 43(2)

We are withholding some of the information in reliance on section 35(1)(a) and section 43(2) of the FOI Act. These are qualified exemptions, and we are required to balance the public interest between disclosure and non-disclosure.

We recognise that there is a public interest in transparency regarding the accountability of the Treasury and the basis of the Government's dealings with international stakeholders in the USA and how those interactions take place. We are aware that such transparency can inform public debate and understanding of the issues dealt with between the Treasury and overseas stakeholders. We also recognise the broad public interest in furthering public understanding of the issues with which public authorities like the Treasury deal with. There is generally a public interest in Treasury Ministers' international meetings. The public interest in transparency of information is met by the information we are releasing with this letter.

Balanced against this, with regard to section 35(1)(a) and section 43(2), the international stakeholders who met with the Chancellor have an ongoing relationship with the Treasury which is built on trust. This trust is important because as an economics and finance ministry, the Treasury relies on receiving candid information provided from a range of stakeholders to better understand the impact of economic policy proposals on different sectors. Engagement and feedback with representatives of different industries facilitates open, honest and frank exchanges on both sides. Such engagement is central to the Treasury's work. We consider that the disclosure of information which was shared with the Treasury in the expectation that it would be treated in confidence and would be likely to harm the policy development process would not be in the public interest. It would also be likely to severely inhibit future engagement of affected stakeholders with the Treasury because we consider disclosure of this information would make it less likely that such stakeholders would provide the department with commercially sensitive information in the future; and consequently undermine the ability of the Treasury to engage successfully with stakeholders and gather robust evidence for good policy development and decision making.

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 development of policy. There is a strong public interest in protecting against encroachment on the ability of ministers and/or officials to develop policy options freely and frankly. It is important that the Government is able to discuss and develop policies and reach well-formed conclusions in a candid way, particularly as the policy process is an iterative one.

Having set out our public interest balance considerations above, we conclude that the public interest in withholding the information strongly outweighs the public interest in disclosing it because release would be likely to prejudice the commercial interests of organisations who provided information in confidence and harm the Treasury's policy development work.

Section 35(1)(d)

Some of the information we hold engages section 35(1)(d) of the FOI Act, regarding administrative operational arrangement matters within the Special Advisers' private office. Section 35(1)(d) is a qualified exemption and we have set out below our consideration of whether the balance of the public interest favours our release or non-release of the information.

We recognise that openness in Government may increase public trust in and understanding of the issues dealt with. We recognise the public interest in understanding how private offices operate. However, this information on its own will not add anything to the sum of public knowledge in terms of the way in which the private office is run, or in respect of the administrative support provided within the private office. By contrast to this minimal public interest in disclosure, we are of the view that disclosure would prejudice the effective running of the private office by disrupting its running.

Effective private office communication is essential to the smooth running of private offices. The generic public interest in transparency of information, which we have acknowledged, must be weighed against a stronger public interest that private offices must be free to communicate in order to allow for the effective carrying out of Ministerial administration. Further, private offices must be able to rely on these arrangements and must be confident that private office administration can continue unhindered. By contrast to this minimal public interest in disclosure, we believe that disclosure would prejudice the effective running of the ministerial private office.

We consider that the balance of the public interest favours withholding the information.

Sections 27(1)(a) and 27(1)(b)

We are withholding some of the information in reliance on sections 27(1)(a) and 27(1)(b).

We have noted above the public interest in transparency and accountability of the Treasury's work as well as the general interest in Treasury Ministers' meetings. We have also noted that the transparency of information is met by the information we are releasing.

The information held, if released, would be likely to compromise the effective conduct of the UK's international relations, and its ability to protect and promote its interests abroad. This is particularly the case as release would adversely affect the perceptions of other States as to the confidence with which their dealings with the UK are held and/or that those confidences would not be respected.

We conclude that the public interest lies in withholding the information which engages section 27.

Sections 29(1)(a) and 29(1)(b)

Some of the information engages section 29(1)(a) (prejudice to UK's economic interests); and section 29(1)(b) (prejudice to the financial interests of the UK) of the FOI Act. These

exemptions are engaged as we consider that disclosure would be likely to prejudice the economic and financial interests of the United Kingdom.

Section 29(1) is a qualified exemption, and we are required to balance the public interest between disclosure and non-disclosure of the information.

As above, 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 with. The public interest in transparency of information is met, to some extent, by the information we are releasing with this letter.

Promoting the UK economy locally and overseas is a Government priority. We consider release of some of the information we hold would be likely to be detrimental to the Government's ability to promote and protect the economic and financial interests of the UK as it may reveal the Government's current thinking in areas which may involve significant financial investment. In turn this may undermine the intended economic and financial benefits to the UK, which we do not believe would be in the public interest.

Having set out our public interest considerations, we conclude that the public interest lies in favour of withholding this information.

Section 31(1)(a)

Some of the information in scope engages section 31(1)(a) of the FOI Act (prevention or detection of crime). Section 31(1)(a) is a qualified exemption, requiring us to consider the balance of the public interest in maintaining the exemption against the public interest in release.

We acknowledge that there is an inherent public interest in transparency about the Chancellor's visit to the US, which is met by our release of the information attached.

However, balanced against this, for the Treasury to release detailed information relating to the Chancellor's itinerary may be useful to those wishing to divert or disrupt future plans of the same or similar nature. This, together with other information may aid criminal intent, which may create a risk to the Chancellor and those accompanying him in the future. We do not believe this would be in the public interest.

In this case, for the reasons set out above, we have concluded that the public interest in withholding the information outweighs the public interest in disclosure.

Section 40(2)

We have redacted third party personal data in reliance on section 40(2) of the FOI Act, by virtue of section 40(3A), which 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 (UK GDPR). The first data protection principle requires the disclosure of third party personal data to be lawful, fair and transparent. We believe that releasing the information would breach the first data protection principle, since it would be unlawful and unfair to release the information.

Section 21

Section 21 of the FOI Act does not oblige the Treasury to reissue information which is already publicly accessible. However, to be helpful, we have provided you with links to the information within the information we are releasing.

Section 22

For the third and fourth parts of your request, section 22(1) of the FOI Act - information intended for future publication - is engaged for who the Chancellor met. This information will be published online in the next transparency returns in the next few weeks on GOV.UK at the following link, in the same format we have published it previously:

<https://www.gov.uk/government/collections/hmt-ministers-meetings-hospitality-gifts-and-overseas-travel>

Section 22 is a qualified exemption, and we are required to consider the public interest in early disclosure against the public interest in publishing the information in the future. There is a strong public interest in the publication of information of this nature. However, public authorities 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 FOI 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 the public interest lies in not disclosing the information held at this time, but in releasing the information within the planned publication in the next few weeks.

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

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