

Shaun Davey

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Our Ref: DB 1358

30 October 2017

Dear Mr Davey,

Freedom of Information Act (FOIA) Request DB 1358

Thank you for your email sent to the Scotland Office on 30 September 2017.

You asked for the following information under the Freedom of Information Act 2000:

Roles of Government Departments Involved in the Production of Studies on the Impact of Brexit

I refer to my Fol request to the DExEU:

https://www.whatdotheyknow.com/request/studies_on_the_impact_of_brexit#outgoing-681506

And their response:

https://www.whatdotheyknow.com/request/studies_on_the_impact_of_brexit#incoming-1043508

In the response to Item 5a, DExEU says: "We can confirm that DExEU does not hold this information. This exercise relied on expertise and involvement from across Government, and we are as such unable to ascertain the effort in days that went into producing these studies."

I now have the following questions of your department. I would be grateful if you would answer these questions on behalf of your department and those government agencies reporting through your department. If you are unable to report on behalf of your agencies, please let me know and I will make further Fol requests directly to those agencies.

1 Did your department (or associated agencies) have any role in the production of any of the studies referred to in the above referenced Fol request and response from DExEU?

2 If your department or your agencies did have a role, what was that role?

3 If your agencies had a role, please specify which agencies were involved?

4 If you or your agencies did have a role, what was the total amount of effort (in person days) expended by civil servants or department/agency-supervised government contractors on all of the studies to which you (or your agencies) contributed?

5 If you or your agencies did have a role, was any of the work subcontracted to external service providers under fixed-price or time/materials terms? If so, please provide details of these contracts including the supplier, the value and the contracting route?

6 Please identify the studies to which you or your agencies contributed?

Thank you for your help.

I can confirm the Scotland Office does hold information falling within the terms of your request.

1. Yes, the Scotland Office did have a role.
2. The Department is acting in coordination with other Government bodies and relevant agencies, leading on the relevant aspects of the preparations for the UK-EU negotiations which fall within the Department's remit. This work is being coordinated across Government by the Department for Exiting the EU.
3. No agencies were involved.
4. We can confirm that the Scotland Office does not hold this information.
5. We can confirm that the Scotland Office does not hold this information.
6. The information you have requested is being withheld as exempt under section 27(1) and section 29(1) of the Act.

Section 27

Under section 27(1) information is exempt information if its disclosure under this Act would, or would be likely to, prejudice: (a) relations between the UK and any other State; (b) relations between the UK and any international organisation or international court; (c) the interests of the UK abroad, or; (d) the promotion or protection by the UK of its interests abroad.

Section 27 is a qualified exemption and I have considered whether the balance of the public interest favours releasing or withholding this material. Specific to this exemption and this part of your request, the Scotland Office recognises the public interest in transparency being demonstrated by public authorities releasing information to the public. We understand that government transparency may increase public trust and it is beneficial for the public to be kept informed about key matters which affect them. This is particularly pertinent as we leave the EU, and is why the Government has already committed to publishing the list of sectors analysed.

However, this should be considered within the international context of the on-going negotiations for exiting the European Union. There is high public interest in the Government withholding information that would harm its negotiation position. In this case, information pertaining to the scope and prioritisation of, and approach to, these studies could reveal important details relevant to the on-going negotiations. For this reason, there is an overwhelming public interest in withholding information which could prejudice the Government's ability to promote and pursue our interests abroad. I have determined that in all circumstances of the case, public interest favours withholding the information we hold within the scope of your request over releasing.

Section 29

Under section 29(1) information is exempt information if its disclosure under the Freedom of Information Act would, or would be likely to, prejudice: (a) the economic interests of the United Kingdom or of any part of the United Kingdom, or; (b) the financial interest of any administration in the United Kingdom.

Section 29 is a qualified exemption and I have considered whether the balance of the public interest favours releasing or withholding this material. Further to the reasons for disclosure explored above, particular to this exemption we also recognise that the release of information regarding the economic interests and priorities of the United Kingdom is in the public interest as this is an area that will significantly affect the lives of everyone in the country. This is particularly pertinent as we leave the EU.

However, there is a strong public interest in withholding information which is still relevant to on-going negotiations, the release of which may in turn cause harm to the economy. For this reason, there is an overwhelming public interest in withholding information which could prejudice the economic interests of the United Kingdom and the financial interests of the administrations within the UK. I have determined that in all circumstances of the case, public interest favours withholding the information we hold within the scope of your request over releasing.

If you are dissatisfied with the decision made in relation to your request you may ask for an internal review. A request for an internal review should be addressed to:

FOI Officer
1 Melville Crescent
EDINBURGH
EH3 7HW

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The contact details are:

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

If you have any queries about this letter please contact me.

Yours sincerely

Olivia Dalseme-Stubbs