



Department for Business, Energy & Industrial Strategy

Information Rights & Records Unit
Department for Business, Energy &
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Ms Jenna Corderoy
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Our ref : FOI2021/05366

29 March 2021

Dear Ms Corderoy,

Thank you for your email of 12th February where you requested the following information:

Since 1st January 2019 to the day this request is processed, please provide copies of all FOI/EIRs requests that have been sent from this department to the Cabinet Office Clearing House which refer to members of the Royal Family.

Since 1st January 2019 to the day this request is processed, please provide copies of all FOI/EIRs requests that have been sent from this department to the Cabinet Office Clearing House which refer to the Royal Household.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

We can confirm BEIS holds information in scope of your request.

Please see attached at Annex A copies of FOI/EIR requests received by BEIS which refer to members of the Royal Family or the Royal Household that were sent from this Department to the Cabinet Office Clearing House. These requests cover the period 1st January 2019 to the date your request for information was received (12th February 2021).

Some of the information has been withheld under Section 40(2) of the FOI Act 2000.

Section 40(2) exempts information from disclosure if that information constitutes personal data of someone other than the applicant, and if disclosure of that information would contravene any of the data protection principles at Article 5 of the UK General Data Protection Regulation (UK GDPR). In this case, we believe disclosure would contravene the data protection principle at

Article 5 (1) (a) of the UK GDPR which provides that Personal Data shall be processed “lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness, transparency’).”

The definition of personal information to which section 40 applies is wide and can include references that relates to an identified or identifiable individual. In this case, the Department considers that the information contains personal information of the requesters. This information falls within the ambit of the Data Protection Principle at UK GDPR Article 5 (1) (a) and, in particular, must not be processed unless at least one lawful basis for processing at Article 6 of the UK GDPR is met. Our view is that we are unable to satisfy a lawful basis for processing at Article 6. The exemption from the duty to disclose personal data where to do so would breach a data protection principle is an absolute exemption; the public interest test in section 2 of the FOI Act does not apply.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to the Information Rights & Records Unit. It would be helpful if you can tell us why you are dissatisfied with the response to your request so we may address this during the internal review.

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Please remember to quote the reference number above in any future communications.

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. Complaints can be made to the Information Commissioner via their website at: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>.

Yours sincerely,

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