

[redacted]
Section 40

Dear [redacted],

5 July 2021

REFERENCE: FOI/21/91

Thank you for your email dated 29 May 2021 in which you requested a copy of the following information from the Northern Ireland Office:

“In December 2020, minister Robin Walker had meetings with the Orange Order, the Royal Black Institute and the Apprentice Boys of Derry, respectively, according to transparency data.

I would like to request the following information in relation to these meetings:

- 1. Details of where each of these meetings took place, who was in attendance, and how it lasted.***
- 2. All documents created in connection with each of these meetings. This could include, but not be limited to, any minutes or notes taken at the minutes or afterwards, or any presentations prepared as part of the meeting.***
- 3. Email correspondence related to these meetings sent by or received by the Department/the minister in advance of, and after the meeting.”***

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

1. Details of where each of these meetings took place, who was in attendance, and how it lasted.

In answer to your first question, the meetings all took place on the 15th December via video and lasted for approximately 30 minutes.

Personal information has been redacted from the document under Section 40(2) (personal data) of the FOIA. Section 40 provides an exemption from the right to information if it is



personal data as defined in the DPA. These state that you should not disclose information under FOIA or the EIR if:

- it is the personal data of the requestor; or
- it is the personal data of someone else;

Additionally personal data should not be disclosed if it would contravene the data protection principles, if disclosure would contravene an objection to processing, or if the data is exempt from the right of subject access

2. All documents created in connection with each of these meetings. This could include, but not be limited to, any minutes or notes taken at the minutes or afterwards, or any presentations prepared as part of the meeting.

3. Email correspondence related to these meetings sent by or received by the Department/the minister in advance of, and after the meeting.

We do hold some further information in relation to your request. However, the information you have requested is exempt under section 35(1)(a) and (b) of the Freedom of Information Act, which protects the formulation of policy and communications between Ministers. Disclosure would weaken Ministers' ability to discuss controversial and sensitive topics free from premature public scrutiny.

Section 35(1)(a) is a qualified exemption, which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- The public having a greater understanding of Government policy
- Greater transparency of Government policy.

In order to facilitate this release, as can be seen, it has been necessary to redact personal data by way of section 40 (2) (personal data) of the Freedom of Information Act. Please see below further explanation with respect to the application of Section 40 (2) (personal data).

Additional to the attached document being released to you the Department also holds further information in relation to your request. This additional information, it is the Department's position, is however, exempt under section 35(1)(a) and (b) (formulation of government policy) and section 40(2)(personal data) of the Freedom of Information Act,.

Section 35 (formulation of government policy)

Section 35 (formulation of government policy) is a qualified exemption, which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:



Public interest considerations favouring disclosure

- The public having a greater understanding of Government policy
- Greater transparency of Government policy.

Public interest considerations favouring withholding

These public interests have been weighed against a strong public interest that policy-making and its implementation are of the highest quality and informed by a full consideration of all the options.

-Ministers must be able to discuss policy freely and frankly, exchange views on available options and understand their possible implications.

-The candour of all involved would be affected by their assessment of whether the content of the discussions will be disclosed prematurely.

-If discussions were routinely made public there is a risk that Ministers may feel inhibited from being frank and candid with one another.

-As a result the quality of debate underlying collective decision making would decline, leading to worse informed and poorer decision making. This could potentially damage the Government's policy-making process, which remains ongoing.

Taking into account all the circumstances of this case, we reached the view that, on balance, the public interest favours withholding this information at this time.

Section 40 (personal data)

Information you have requested is also being withheld because it is exempt under section 40(2) of the Freedom of Information Act.

Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would, amongst other things, contravene one of the data protection principles set out in Article 5 of the General Data Protection Regulation (GDPR). In this case, I believe disclosure would contravene data protection principle (a), which provides that personal data must be processed fairly and lawfully. Section 40(2) is an absolute exemption and the Northern Ireland Office is not obliged to consider whether the public interest favours disclosing the information.

Yours sincerely,

Freedom of information Team

Corporate Operations Group

1 Horse Guards Road, London, SW1A 2HQ



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Complaints

If you are dissatisfied with this response the first step, as set out in the Freedom of Information Act, is to seek an internal review. Requests for internal reviews should be submitted in writing to the:

Northern Ireland Office
Freedom of Information Team
Stormont House
Stormont Estate
Belfast
BT4 3SH
FOI@NIO.gov.uk

Please note that after 3 months from the last meaningful correspondence this case will be closed. For an internal review request please contact us within this 3 month period, otherwise any request received after this time will be treated as a new enquiry.

If, upon the completion of any internal view, you are still dissatisfied you may seek an independent review from the Information Commissioner. Requests for reviews by the Information Commissioner should be made in writing to:

The Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF.

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out. Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.ico.org.uk

If you wish to discuss this please contact the Freedom of Information Team using the contact details provided at the top of the first page. Please remember to quote your reference in any correspondence.

