



Department for Business Innovation & Skills

Strategy and Growth Directorate
Department for Business, Innovation & Skills
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Our ref: FOI2015/16451

20 August 2015

Dear Dr Turner,

Thank you for your email of 4 August where you requested the following information:

I am seeking information regarding work on BIS-funded agencies and public bodies being conducted by McKinsey and Company at the request of BIS.

I request copies of documents held by, or originating from, BIS that describe:

- 1. The instructions that McKinsey received in relation to this work*
- 2. The scope of the work that McKinsey has been asked to conduct, if it is not explained in the instructions asked for above*
- 3. Any limitations that BIS has placed on McKinsey with regard to the recommendations that they can make*
- 4. The powerpoint slides that McKinsey has already presented to BIS in response to this commission*
- 5. Any other documentation that McKinsey has already presented to BIS in response to this commission.*

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).

I am writing to advise you that, following a search of our paper and electronic records, I have established that the Department does hold the information within the scope of your request.

However, the information held by the Department relating to your request is exempt from disclosure under sections 35(1)(a) and 43(2) of the Act and is therefore withheld.

Section 35(1)(a) – Formulation of Government Policy

Section 35(1)(a) exempts information from being disclosed if its disclosure under the Act would or would be likely to reduce the Government's ability to protect the policy-making process and maintain the delivery of effective Government.

Section 35(1)(a) is subject to a public interest test. We recognise that there is general public interest in the disclosure of information so the public may assess the quality of policy formulation advice and guidance, to provide transparency in the decision making process, and to make Government more accountable. However, there is also a public interest in ensuring that Ministers and officials feel able to discuss significant projects and related policy options as fully and frankly as possible, so as to ensure that the progress of those projects can be assisted and the development managed in the way designed to best meet the public interest. If this information were made public, we believe such frank discussion would be inhibited and the Department would be prevented from taking decisions based on the fullest understanding of the issues involved. Having considered the public interest, we conclude that the public interest in disclosing this information is outweighed by the public interest considerations in withholding the information. The Department's decision is therefore to withhold this information.

Section 43(2) – Commercial interests

Section 43(2) exempts information from being disclosed if its disclosure under the Act would, or would be likely to, prejudice the commercial interests of any person.

Section 43 is subject to a public interest test. We recognise that there is a public interest in the disclosure of information, as greater transparency enhances public scrutiny, making Government more accountable. However, there is also a public interest in ensuring that the commercial interests of businesses are not damaged or undermined by the disclosure of information which is not common knowledge, and which could adversely impact future business. In addition, disclosing the information we hold will make businesses less likely to provide the department with such information in the future, making it more difficult for Government to create policies based on sound, current business information, leading to poorer quality policy-making, which is not in the public interest. Having considered all of the public interest factors in favour of and against releasing this information, we have concluded that the public interest is best served by withholding this information.

Section 40(2) – Personal data

Finally, some information constitutes personal data and has therefore been withheld. 40(2) of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. Having reviewed the information you have requested, we do not believe that the disclosure of some of this information would be lawful under the Data Protection Act.

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 Unit:

Information Rights Unit
Department for Business, Innovation & Skills
1 Victoria Street
London
SW1H 0ET
Email: FOI.Requests@bis.gsi.gov.uk

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. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

Strategy and Growth Directorate