

FOI Release
Information released under the Freedom of Information Act

Title: Contract between McKinsey and Company and BIS

Date of release: 30 October 2015

Information request

I would like to request the contract (including all indexes, appendices and supplements) between the Department for Business, Innovation and Skills and McKinsey and Company regarding the work currently being carried out by McKinsey for BIS.

Information released

A copy of the information which can be disclosed is attached.

Some of the information in scope of your request is exempt under section 21 of the Act. Section 21 states that a public authority is not required to provide information that is already in the public domain, and which is reasonably accessible to you. However given we hold the information in question we have included it in the release for ease of reference.

A copy of the contract in question is attached.

However, information contained within Schedule 2 of this contract, falling within scope of your request, is exempt from disclosure under section 35(1)(a) of the Act.

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 these 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.

Some information constitutes personal data and has therefore been withheld. Section 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 the names and positions of BIS staff and third parties would be fair, and do not think of any of the relevant conditions apply.