

11 May 2017

Ref: FOI2017/05982

Freedom of Information Act 2000: Communications regarding the Soft Drinks Industry Levy

Thank you for your Freedom of Information enquiry of 14 March 2017.

You asked for the following information:

"... copies of all communications, including electronic/written correspondence and records of oral conversations between:

- a) the Food & Drink Federation (FDF)*
- b) Coca Cola*

and

- 1) the Chancellor/his special advisers*
- 2) the Chief Secretary to the Treasury*

Please also provide copies of any communications between the Chancellor/his special advisers and Jeremy Hunt/his special advisers or Duncan Selbie (of Public Health England), which refer to the Food and Drink Federation or Coca Cola (in the context of the planned levy on soft drinks).

Please restrict your searches to communications from the last year"

We wrote to you on 11 April 2017 explaining that we needed to give further consideration to the public interest with regard to the information you had requested under section 43 of the Freedom of Information (FOI) Act, which relates to commercial interests. We have now completed our assessment of the information in scope and this letter sets out our conclusions on your request.

We can confirm that HM Treasury holds some correspondence between the Chancellor, his Special Advisors and the Food and Drink Federation (FDF) and Coca-Cola. This information is attached.

However, some of the information requested is published online by the FDF. For example, information relating to new FDF releases can be found at:

https://www.fdf.org.uk/news_index.aspx

and specific releases relating to your request can be found at the following hyperlinks:

<https://www.fdf.org.uk/news.aspx?article=7648&newsindexpage=5>

<https://www.fdf.org.uk/news.aspx?article=7682&newsindexpage=4>

<https://www.fdf.org.uk/news.aspx?article=7753&newsindexpage=2>

<https://www.fdf.org.uk/news.aspx?article=7756&newsindexpage=2>

<https://www.fdf.org.uk/news.aspx?article=7745>

<https://www.fdf.org.uk/news.aspx?article=7683>

<https://www.fdf.org.uk/news.aspx?article=7713&newsindexpage=3>

<https://www.fdf.org.uk/news.aspx?article=7591&newsindexpage=8>

<https://www.fdf.org.uk/news.aspx?article=7595&newsindexpage=8>

Section 21 of the FOI Act is engaged where such information is available to an applicant by another means, which is the case here. However, to be helpful we have provided you with the hyperlinks above.

We are withholding the names of officials below Senior Civil Service or equivalent under section 40 (personal data) of the FOI Act as they are junior officials who do not have a public facing role. This is in line with the Information Commissioner's advice that such officials would not reasonably expect their work details to be made known and that they do not normally carry individual public accountability for their official activities. Section 40 exempts personal information from disclosure if its release would contravene one of the Data Protection principles. In this case, disclosure of the information would contravene the first Data Protection principle, which states that personal information must be processed fairly and lawfully.

We hold no other information within the scope of your request.

If you have any queries about this letter, please contact us. Please quote the reference number above in any future communications.

Yours sincerely

Information Rights Unit

Enclosures: correspondence from the Food and Drink Federation and Coca-Cola.

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Your right to complain under the Freedom of Information Act 2000

If you are not happy with this reply, you may request a review by writing to HM Treasury, Information Rights Unit, 3/Red, 1 Horse Guards Road, London SW1A 2HQ or by emailing us at the address below. Any review request must be made within 2 months of the date of this letter.

Email: foirequests@hmtreasury.gsi.gov.uk

It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

If you are not content with the outcome of the review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner will not make a decision unless you have exhausted the complaints procedure provided by HM Treasury.

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