



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Mr Edward Malnick
Daily & Sunday Telegraph

By email:

7 December 2018

Dear Mr Malnick,

First-tier Tribunal, Information Rights, Appeal Reference: EA/2016/0055

I am writing further to the recent First Tier Tribunal judgment in the appeal against the Information Commissioner's decision notice dated 3 February 2016. This concerned your request for copies of all correspondence, or records of oral conversations, between the Advisory Committee on Business Appointments (ACOBA) and Mr Tony Blair / Mr Blair's representatives in the period from July 2005 to July 2009.

As you will be aware, the Tribunal found that although it is important for ACOBA not to lose the safe space to discuss matters in confidence with former ministers in considering applications, the case of Mr Blair is special, and in these specific circumstances, the Tribunal regarded disclosure to be in the public interest. The issue of safe space is an important one for ACOBA, which has no enforcement powers and therefore depends on voluntary cooperation from applicants, both in terms of making an application for advice in the first place; and in terms of provision of information about the proposed appointment and their former role in office. ACOBA seeks to ensure cooperation by assuring those it deals with that communications will be kept confidential unless and until the appointment is taken up - at which point ACOBA publishes a detailed letter that sets out the material information relating to its advice.

Please find attached the information held by ACOBA relating to your request. As explained during the appeals process, given the passage of time ACOBA no longer holds a complete

set of records in relation to its dealings with Mr Blair. The information held (and attached) is part of a much wider body of information that would have been required by ACOBA to consider any applications or enquiries Mr Blair made at the time. This is information that was erroneously kept following the office's deletion of historical material, prior to your original request in 2015. As per the judgment (at paragraph 73), ACOBA has redacted the personal data of other individuals.

The context in which ACOBA operates has changed significantly since Mr Blair's appointments were considered by the previous Committee. Today, the Government's Business Appointment Rules require former ministers to seek advice on any appointments or employment (whether paid or unpaid); and impose a two-year ban on lobbying the Government as standard. Further, when an appointment is taken up, the advice letter provided to former ministers is published on its website. The Committee's advice letters set out: the information provided by applicants; the information provided by relevant government departments; the risks identified by the Committee; the Committee's view on the appointment; and the conditions it considers are necessary to mitigate the risks identified (for example, ACOBA's detailed advice provided to the most recent former Prime Minister is available [here](#)).

At the time Mr Blair sought advice from ACOBA (for two years from when he left office in 2007), the Government's Business Appointment Rules did not require former ministers to seek advice on 'unpaid appointments in non-commercial organisations'; nor was there a standard ban on lobbying government; and the amount of information published by ACOBA was limited to that contained in its annual reports (archived annual reports are available [here](#)).

Please contact us if you have any questions.

Yours sincerely,

Catriona Marshall
Committee Secretariat

From: [REDACTED]
To: [REDACTED]
CC: [REDACTED]
Date: Tue, 4 Nov 2008 12:28:19 +0000
Subject: Blair Tony - UI Energy Corporation - confirmation that appointment taken up

Dear [REDACTED]

Thanks very much. It was taken up in mid -- late August. Please do not hesitate to call me if you or the committee require further information. There are a couple of issues I would like to talk to you about -- are you available later today for a quick call? You won't be surprised to hear I am on a different time zone!

Best wishes,

[REDACTED]

From: To: [REDACTED] Sent: 04 November 2008
[mailto:[REDACTED]]
12:16 To: [REDACTED] Cc: [REDACTED] Subject: RE:

Dear [REDACTED]

Many thanks for this. I always seem to catch you at an awkward time - I hope wherever you are now, you are enjoying it!

I will take this to the Committee to let them know that he has taken up the appointment (could you please tell me when that was, though we only need the month), but that there has not been much progress on the deal and there is a continuing need for confidentiality on the grounds of market sensitivity until a contract has been signed. I can see no reason why they should have difficulty with this, and I will assure them that you will inform us of developments in view of the risks which [REDACTED] pointed out in his clearance letter.

Best wishes

[REDACTED]

-----Original Message-----
From: [REDACTED] Sent: 01 November 2008
[mailto:[REDACTED]]
13:51 To: [REDACTED] Subject: RE:

Dear [REDACTED]

Further to our recent phone conversation regarding the request for confidentiality for the UI Energy appointment to remain. I would like to confirm that the situation has not moved on much since August. Our understanding from the company lawyer is that the negotiations have not progressed but they are still hopeful of a deal at some point in the future. Therefore we would request that the confidentiality remains as per the request below.

Best wishes,

[REDACTED]

Ps I have copied in my colleague [REDACTED] who is dealing with this

From: [REDACTED] Sent: 01 August 2008 11:00 To: [REDACTED] Subject: [REDACTED]

Dear [REDACTED]

I have spoken to the lawyer at UI Energy this morning. The company have requested that Mr. Blair's appointment remains confidential for the duration of the negotiations, due to market sensitivities. They have asked that we maintain this confidentiality until the contract between UI Energy and IPIC has been signed. I cannot say at the moment how long this will take but I will keep the committee fully informed.

Many thanks for sending the advice on the Group Arnault/LVMH appointment. This appointment has not yet been taken up. I will advise you when and if that changes. Again, they have asked for confidentiality due to market sensitivities. I will confirm with you how long that is likely to last as soon as I can, but as the appointment hasn't yet been taken up it's a bit unclear at the moment.

I await your advice on the appointment with Harbinger. We anticipate that the post will be taken up and announced in early/mid September. I will advise you of the date nearer the time for inclusion on the website.

As ever, many thanks for your assistance and advice.

Best wishes,
[REDACTED]

(ps I am on holiday for 2 weeks from tomorrow but will be in mobile and e-mail contact so please let me know as soon as you have any advice on Harbinger and UI Energy)

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This computer system may be monitored and communications carried on them recorded, to secure the effective operation of the system and for other lawful purposes.

From:
To:
Date:
Subject:

[REDACTED]
Tue, 22 Jul 2008 10:48:39 +0100
Blair Tony - UI Energy Corporation - initial request for advice

Dear [REDACTED]

As discussed yesterday, below are the details of a new potential appointment which has been offered to Mr. Blair. Any early indication from the committee would be greatly appreciated. There is another one in the pipeline which we have just started considering so I will get details of that to you this week. With respect to the appointment below, the company concerned have asked for confidentiality as the transaction is market sensitive.

As you know we are in the process of establishing a consultancy business so it is likely that we will start to move to more of these one off type of transactions as well as continuing with some wider advisory roles. I would like to talk to you and [REDACTED] about the best way of seeking the committee's advice without over burdening you with potential appointments which do not in the end materialize, but at the same time making sure we have followed the correct procedures so that if we do decide to take on the appointment, we have the committee's clearance in good time. I know [REDACTED] is on holiday this week so perhaps we could meet or speak on the phone when he is back next week.

Many thanks,

[REDACTED]
Organisations name:

UI Energy Corp

Job description:

To advise and assist with respect to a consortium of investors led by UI Energy who are interested in acquiring shares of Hyundai Oilbank (Korea) in order that UI is able to enter into negotiations with International Petroleum Investment Company of Abu Dhabi, the current owner of 70% of the equity of Hyundai, for the purchase of all or a majority of IPIC's equity in Hyundai. The term of this engagement is for a period of 6 months and is solely in respect of this transaction. Mr. Blair will not advise on, or provide any consulting services in respect of any other business of the company.

Payment: fee

Time involved: contract is for a duration of 6 months, likely number of days work 2-3.

Address: 9th Floor, Sambu Building, 676 Yeoksam-dong, Gangnam-gu, Seoul, 135-979, Korea.

Contact at the organization: [REDACTED]

Business: Oil and Gas

Job title: Consultant

You should be aware that this company is an investor in Iraq but we have made it clear we will not do business there. This appointment is restricted to this one transaction and concerns Korea and Abu Dhabi.

From:
Sent:
To:
Subject:

[REDACTED]
22 October 2008 17:53

[REDACTED] <>
Blair Tony - Yale - Request for Chairman's view on further revision of press lines



Doc11.doc

[REDACTED]
Sorry to trouble you again, but the journalist is now pressing us again about this.

Our response to the last questions provoked some new ones to which he is expecting quick answers, primarily about the Committee's role generally, why this 'appointment' was exempt under the business appointments system, whether it would have made a difference if the Committee had been told that Yale were making a \$200,000 donation to the Foundation itself, and were we told the amount of the honorarium Yale would pay for the lectures.

On the penultimate question above, TB's office did not mention the £200k donation when they told us about the honorarium, but in fairness (though it may look different in hindsight) I cannot see why they should have regarded it as necessary - the purpose of their call was to find out whether he had to treat the lectures as a paid appointment and seek approval for them. On the last question, as you know neither the Committee nor the Guidelines themselves seek information from the applicant about money. That has been standard practice, although it involves an obvious risk (which [REDACTED] pointed out on a number of occasions). However, it was clear that the honorarium was not a large one (TB's office told me this morning that they agreed on the minimum Yale was offering of \$2000 each for 5 lectures), and the answer we gave them (that we did not consider an application to be necessary) was based on their assurance that he would be keeping no money rather than the amount of money which would pass through his hands.

I should be grateful to know if you would be content for me to tell our press officer to use the attached. I have shown it to her in draft and told her that she can draw on it if she gets caught beforehand.

[REDACTED]
From:

To:

Subject:

[REDACTED]
Blair Tony - Yale - revised press lines on advice not being sought

Dear [REDACTED]

[REDACTED] has had to rush off to a meeting but he has asked me to forward you our press lines on the Yale appointment.


At the bottom of this message are the lines we used last Friday. We have now amended these lines for Q1 to bring most of the off-the-record background comment (in red below) onto the record, in

the following form:

New Line for Q1: We are aware that he has given lectures at Yale, though as we were informed that he is not being paid for them they are exempt from the Committee's Guidelines as unpaid appointments in a non-commercial organisation. Advice was sought from the Committee's secretariat on this appointment when it became clear that Yale proposed to pay him an honorarium although he did not intend to keep it. Although the final decision on whether or not to seek formal advice about an appointment lies with the former Minister concerned, the secretariat considered that if he was not keeping the money it would be reasonable to regard it as an unpaid appointment in a non-commercial organisation and an application would not be necessary.

Off the record as background: Had an application been made to the Committee on this appointment it is likely that they would not have found it objectionable.

Yours sincerely


Office of the Advisory Committee on Business Appointments


Website: www.acoba.gov.uk

P Please consider the environment - please think whether you need to print this e-mail

10 October 2008
Original ACOBA Press Lines

Question 1: What is the status of the Yale appointment, e.g. is it unpaid and non-commercial (knowing that an honorarium is being paid to Mr Blair's Foundation)?

Line for Q1: We are aware that he has given lectures at Yale, though as we were informed that he is not being paid for them they are exempt from the Committee's Guidelines as unpaid appointments in a non-commercial organisation.

Off the record as background: Advice was sought informally on this appointment and, although the final decision whether or not to seek formal advice on any appointment lies with the former Minister concerned, the approach suggested to us appeared reasonable [Note for  i.e. that an application was unlikely to be necessary]. Had an application been made to us on this appointment it is likely that the Committee would not have found it objectionable.

Question 2: Did he run his Faith Foundation by the Committee and would he have to?

Line for Q2: No advice has been sought about his Foundation, although we would not expect to receive any request for advice if an appointment is unpaid in a non-commercial organisation.

From: [REDACTED]
To: [REDACTED]
Date: Fri, 20 Feb 2009 15:47:01 +0000
Subject: Blair Tony - Tony Blair Associates - interchange about detail of website text

Thanks for your help and advice with this.
Much appreciated.

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Fri Feb 20 15:45:21 2009
Subject: RE: TBA

[REDACTED]

Thanks, I think this covers it. As I said when we just spoke, we will put this on our website now.

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 20 February 2009 15:07
To: [REDACTED]; OACOPA -; OACOPA; [REDACTED]
Cc: [REDACTED]
Subject: RE: TBA

[REDACTED]

I managed to catch TB, and he totally understands the reasoning for the extra words at the end, and is happy with that.

However, he is keen on keeping the partnership reference in there, so would you be happy with:

"Tony Blair has established Tony Blair Associates which will allow him to provide, in partnership with others, strategic advice on both a commercial and pro-bono basis, on political and economic trends and governmental reform."

Thanks,

[REDACTED]

From: [REDACTED]
[mailto:[REDACTED]]
Sent: 20 February 2009 14:47
To: [REDACTED]

Subject: RE: TBA

[REDACTED]

Many thanks. We spoke. In order to make clear up front that the Committee know what it is approving while not putting in something which will stand out so much as to attract unnecessary attention, I suggest "The firm will provide strategic advice, on both a commercial and pro-bono basis, on political and economic trends and governmental reform."

As your proposal stood, the only description of the advice which would be given is the word "strategic". The additional description, using the phraseology from his letter to the Committee, would flesh this out while still leaving us some further detail (from his letter) if we are asked if this is all we knew about it. This 'appointment' is likely to attract attention whatever is said, but my suggestion would be consistent with our general approach in other cases and at the same time make clear that this is all for the future.

[REDACTED]

-----Original Message-----

From: [REDACTED]
[mailto:[REDACTED]]
Sent: 20 February 2009 12:36
To: OACOBA; [REDACTED] - OACOBA
Cc: [REDACTED]
Subject: RE: TBA

Thanks for your patience on this. We have now heard back from Mr Blair and he would like the following text to go in the appointment box:

"Tony Blair has established Tony Blair Associates which will allow him to provide, in partnership with others, strategic advice on both a commercial and pro-bono basis."

I hope this works for you?

As previously discussed, we are not looking to an press at all given it's embryonic nature, but if there are any questions you want to go through, then please do give me a call.

Many thanks,
[REDACTED]

From: [REDACTED]
Sent: 18 February 2009 15:51
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: TBA

back to you. Thanks very much. I will discuss with [REDACTED] and get

From: [REDACTED]
[mailto:[REDACTED]] On Behalf Of [REDACTED]
Sent: 18 February 2009 15:46
To: [REDACTED]
Cc: [REDACTED]
Subject: TBA

Dear [REDACTED]

Further to your call, and looking again at our December letter, Mr Blair's application and the advice we tendered was centred on the creation of the firm. I believe therefore that, if this is announced on Friday, our website would need to say something close to the following:

Name, former department & date of leaving office
Appointment
Advice & date tendered
Date taken up

The Rt Hon Tony Blair
Prime Minister

June 2007

Consultant
Tony Blair Associates

Sees no reason why he should not set up the
firm forthwith

December 2008

February 2009

Regarding the aims of TBA, and as stated in our December letter, the advice tendered was based upon a particular understanding of the role of the firm which we reiterated in para 2 of our letter; para 3 (the advice) actually says that "On the basis of this description of TBA's role, our advice is that we see no reason why you should not set up the firm forthwith". It would therefore be impossible for us to try and hold a silent line if absolutely nothing was said by your office about the likely activities of the firm. I don't think we need a great deal of detail in the public domain - as you say, the firm is just starting out - but we will need just enough information released to avoid ACOBA being charged with clearing an appointment about which we seemingly knew nothing about (which obviously we could not allow to happen, thus forcing our hand).

Happy to discuss. And [REDACTED] is back tomorrow if you'd rather his opinion.

Yours sincerely

[REDACTED]

Office of the Advisory Committee on Business

Appointments

Website: www.acoba.gov.uk <<http://www.acoba.gov.uk/>>

GSI CivilWiki Page:

http://wiki.gsi.gov.uk/index.php/Advisory_Committee_on_Business_Appointments

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From the Rt Hon Tony Blair

November 2008

Dear [REDACTED]

As [REDACTED] from my office has discussed with [REDACTED] I am contemplating the formation of an entity which we are tentatively calling Tony Blair Associates (TBA).

TBA will be a small global advisory firm which will provide strategic advice to a small and select group of corporations and governments. It will provide advice on political and economic trends and governmental reform. It will also assist clients in entering and understanding emerging markets, and in identifying traditional and non traditional sources of capital. In essence the work of TBA will be similar in nature and scope to the commercial work I have been engaged in since leaving office, such as that for JP Morgan Chase and Zurich Financial Services, for which the Committee has already given its approval. The main difference with new clients will be that the commissions will be executed by my staff, associates and consultants under my leadership and name, but my personal time commitment to each project will be reduced. Some of the work of TBA will be on a not-for-profit basis and most of it, for the first year at least, will be overseas.

TBA will select and screen its clients very carefully. Not only is that prudent from a business perspective, it is also essential for personal and commercial reputational reasons. I must be extremely careful to guard against any suggestion or suspicion of impropriety. In short TBA will operate at the highest standards of propriety, befitting that of the office of a former prime minister, both in the activities it undertakes and the clients with whom it chooses to do business.

PO Box 60519
London
W2 7JU

www.tonyblairoffice.org

I fully understand that because my commercial activities still fall within the Committee's remit, TBA itself must be approved and disclosed on the Committee's website. I am writing to ask that TBA be permitted to maintain confidentiality with respect to its clients rather than report each individual commission it is offered to you for advice and subsequent publication. Many of the individuals, governments and entities that TBA will serve, operate in competitive environments where disclosure of projects, plans and affiliations can have adverse commercial or political consequences, and they simply will not wish to have even the fact of a relationship with a consulting entity made public.

I have studied the committee's guidelines very carefully and I can see no reason why the activities and clients of TBA would offend them. In summary, I reach this conclusion for the following reasons:

1. The work of TBA will be very similar to the commercial activity I am already engaged in and for which the Committee has given its approval.
2. The clients of TBA will be similar to the clients I have already approached the Committee for advice on and have received its approval.
3. TBA will operate under a self imposed set of principles to maintain the highest level of propriety and good reputation.
4. Most of the work and engagements will be non-UK based, at least for the first year of operations.
5. The sole reason for confidentiality is to respect the wishes of clients, as would be normal practice in any other consulting business.
6. Since 18 months have passed, any concerns about drawing on privileged knowledge or information in my role as former Prime Minister are very much diminished.
7. Similarly, as 18 months has passed, concerns that a commission may be perceived as a reward for any decisions I took as Prime Minister are negated.

I would be most grateful if you would give consideration to this request. I would expect in any case now that the commissions with the UI Energy consortium and Groupe Arnault/LVMH, which you have already considered and approved, would be undertaken by TBA if you are content for me to proceed with it. Please do not hesitate to contact me if you have any further questions.

Tony Blair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

35 Great Smith Street, London SW1P 3BQ

Telephone: 020-7276 2610 Facsimile 020-7276 2607

24 October 2008

THE RT HON TONY BLAIR

[REDACTED]

[REDACTED]

Mr Blair's office mentioned to us in passing some time ago that they expected that he would probably be giving some lectures at Yale, but these would be unremunerated and, as they were also in a non-commercial organisation, he would not need to seek advice on them as such 'appointments' are exempt under the Committee's Guidelines and the Ministerial Code.

Just before his first lecture was due, his office told us that Yale had now insisted on giving him an honorarium for the lectures, but he would not be keeping it. They wished to know if this meant that he had to seek formal advice and clearance before giving the lectures. I told them that the decision on whether or not to seek advice on a particular appointment was one for him in accordance with the criteria published in the Guidelines, as he would have to defend his position if he did not, but, on the assurance that he would not be keeping any of the money, I saw no reason to insist that it be regarded as a paid appointment and that formal advice be sought from the Committee about it.

[REDACTED]

I have spoken separately to Mr Blair's office, who are also being asked a stream of questions by [REDACTED]. It appears that he is carrying out a wide investigation into Mr

RESTRICTED: APPOINTMENTS

Blair's appointments, as he has apparently also submitted a questionnaire to all three of the employers with whom Mr Blair has taken up approved appointments. His office have informed me that Yale are separately donating \$200,000 to Mr Blair's Foundation (apparently they did not mention this to us at the time as it did not occur to them as relevant to the issue of whether or not the lectures were exempt under the terms of the Ministerial Code and the Guidelines because he was not going to keep any payment for them). His office also told me that when they were unable to persuade Yale not to pay him personally for the lectures - [REDACTED] says that he has had similar experience in the US when he tried to get money paid directly to his university - they agreed to the minimum honorarium offered by Yale of \$2000 per lecture for 5 lectures.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RESTRICTED - APPOINTMENTS

11 November 2008 Meeting

Group Arnault SA / LVMH – not yet taken up – commercial confidentiality requested by employer – [REDACTED] might seek agreement for this to be subsumed into wider consultancy business

Harbinger Capital Partners – not yet taken up

UI Energy Corporation – extension to commercial confidentiality sought – [REDACTED] might seek agreement for this to be subsumed into wider consultancy business

(NB. must put this forward soon to Committee for their agreement to extension of confidentiality)

Kuwaiti Government – might be taken up very shortly – [REDACTED] to check that confidentiality originally requested is still required – [REDACTED] might seek agreement for this to be subsumed into wider consultancy business
(NB. appointment and original confidentiality agreed by former Chairman and subsequently signed up to by full Committee)

Lagardère Group – not likely to be taken up

(NB. actually, this was never put forward to Committee as an appointment)

Sierra Leone/Rwanda – taken up/increasingly high profile (people in-country)

(NB. unpaid appointment in non-commercial organisation so not put to Committee)

**NOW AWAITING DRAFT LETTERS FROM [REDACTED]
OUTLINING CONSULTANCY FIRM PROPOSALS**