

26 April 2021

Refs: IR2021/00884  
FOI2020/43020

## Freedom of Information Act 2000 Internal Review: Meetings

Thank you for your email dated 11 January 2021, requesting an internal review of our response dated 16 December 2020 to your information request made under the Freedom of Information Act 2000 (the FOI Act), under our reference: FOI2020/43020.

We have now completed our internal review and this letter informs you of its conclusions. The review was conducted by officials not involved with your original request.

We are sending you an updated version of this outcome letter relative to what we originally released on 11 March 2021, as following additional searches we found further information within scope of your request. We apologise for the original oversight.

### Background

On 23 November 2020, you made the following request under the FOI Act:

*"According to meeting records for the Treasury on the [gov.uk](https://www.gov.uk) website \* Charles Roxburgh held several meetings with Greensill. In particular, Mr Roxburgh has had the following meetings with Greensill: 2020-04-16 Discussion Of Eligibility For Covid Support Packages*

- 2020-04-24 Discussion Of Eligibility For Covid Support Packages*
- 2020-05-13 Discussion Of Eligibility For Covid Support Programmes*
- 2020-05-14 Discussion Of Eligibility For Covid Support Programmes*
- 2020-05-15 Discussion Of Eligibility For Covid Support Programmes*
- 2020-06-26 Discussion Of Eligibility For Covid Support Programmes*

*\* <https://www.gov.uk/government/publications/hm-treasury-senior-officials-travel-expenses-hospitality-and-the-permanent-secretaries-meetings-with-external-organisations-april-to-june-2020>*

*For each of these meetings, could you please provide the following information:*

- A full list of attendees, including full names and titles as well as who the attendee represents*
- the time and duration of the meeting, as well as the location*

- a copy of the meeting agenda
  - meeting notes / minutes taken during the meeting, as well as any briefing notes and papers
  - any materials handed out or received during the meeting or for the meeting such as presentations, brochures, reports
  - any emails between Mr Roxburgh and Greensill between 1. April 2020 and 1 July 2020 relating to supply chain finance.
- Could you please also provide the same for any other additional meetings held between Mr Roxburgh and Greensill from 26 June 2020 to date."*

On 16 December 2020 we provided our response. We explained that following a search of our records, we could confirm that HM Treasury held information within the scope of your request. However, we considered the following exemptions under the FOI Act were engaged: Section 35(1)(a) – formulation or development of government policy; section 41(1) – information provided in confidence; section 43(2) – prejudice to commercial interests; and section 40(2) – third party personal data. We therefore withheld this information.

On 11 January 2021, you requested an internal review, and the full text of this request is annexed to this letter (Annex A).

## **The Review**

We have considered the response we provided to you and whether our handling was compliant with our obligations under the FOI Act. We have reviewed your response to your request carefully, including the balance of the public interest in withholding or releasing the information. On balance, we feel that the public interest now favours release and we are therefore releasing redacted versions of documents that fall within scope of your request, including meeting notes and emails.

## **Conclusion**

Redacted versions of the documents in scope of this request have been shared alongside this letter.

As noted above, following our initial communication on the outcome of this review, we have found further information in scope of your requests, these are now included in the document shared with you.

Beyond the documents here enclosed, the Treasury does not hold any further information in scope of your request.

Some redactions have been made to these documents under the FOI Act, as set out below:

**Section 35(1)(a) - formulation or development of government policy:** this is a qualified exemption and, as such, we considered the balance of public interest in disclosure and non-disclosure of the information.

We recognise there is an inherent public interest in transparency and accountability of public authorities and that there is a broad public interest in furthering understanding of the issues with which public authorities deal. Balanced against this is the public interest in protecting the integrity of the policy making process and the Government's ability to freely discuss policies with complex trade-offs is not hindered. We consider that the balance of the public

interest falls to protecting this information given its release would likely have a detrimental impact on the ongoing formulation and development of policy.

**Section 41(1) - information provide in confidence:** this exemption provides that information is exempt if disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person. In this case the information was obtained by a third party in confidence. This is an absolute exemption which does not require us to consider the public interest balance in disclosure.

**Section 43(2) – prejudice to commercial interests:** Section 43(2) allows us to withhold information where disclosure would be likely to prejudice commercial interests. This is a qualified exemption and we have set out below our public interest balance considerations in release and non-release of the information.

We recognise that there is a public interest in the basis of the Government’s dealings with industry participants and how those interactions take place. We are aware that such transparency can inform public debate on the issues dealt with by the Treasury.

Balanced against this, as an economics and finance ministry HM Treasury relies on information provided by a range of stakeholders to better understand the impact of economic policy proposals on different sectors. Engagement and feedback with representatives of different industries is central to economic policy decision making. We consider that the disclosure of information that is likely to have a negative impact on the commercial interests of particular companies would be likely to inhibit their future engagement with the department. Given the public interest balance considerations set out above, we conclude that the public interest in withholding the information outweighs the public interest in disclosing it.

**Section 40(2) - third party personal data:** Section 40(2) of the FOI Act, by virtue of section 40(3)(a)(i) provides an absolute exemption for third party personal data, where disclosure would contravene any of the data protection principles set out in Article 5 of the General Data Protection Regulation. The first data protection principle requires the disclosure of third-party personal data to be lawful, fair and transparent. We believe that releasing the information would breach the first data protection principle, since it would be unlawful and unfair to release the information.

**Section 29(1)(a) and (b) - prejudice to UK’s economic interests or the financial interests of the UK government:** this exemption is engaged, as we consider that disclosure would be likely to prejudice the economic interests of the United Kingdom or the financial interests of the UK government.

This is a qualified exemption and we are therefore required to balance the public interest between disclosure and non-disclosure.

We recognise that there is an inherent public interest in transparency and accountability of public authorities. We also recognise the broad public interest in furthering public understanding of the issues with which public authorities deal, including relating to the UK’s Financial Services sector. There is a clear public interest in the work of government departments being transparent and open to scrutiny to increase diligence.

However, we consider release of the information would be detrimental to the government's ability to protect the economic and financial interests of the UK as it may impact future engagement by the private sector on policy initiatives, which would undermine the ability of the government to put in place support schemes such as CCFF.

Outside of the FOI Act, to be helpful, we are able to confirm that the six meetings you have expressed an interest in were held via online video software and were attended by senior representatives of Greensill. The meetings were used to discuss proposals to extend the Covid Corporate Financing Facility (CCFF) to support supply chain finance in the wake of disruption due to the Covid-19 pandemic in early 2020.

On reviewing our records, we have identified:

- A further readout of the meeting that took place on 15<sup>th</sup> May
- Some further correspondence from representatives of Greensill to Mr Roxburgh on 12<sup>th</sup> May

Charles Roxburgh took these meetings to explore proposals put forward by Greensill, in line with HM Treasury's established approach of engaging with industry stakeholders in relation to government policy as appropriate. HM Treasury officials also engaged with a wide range of supply chain finance firms in the same time period to inform policy development.

We hope that by setting out the basis of the review, its findings and conclusions above, you will be assured that the Treasury has, on your behalf, carried out a thorough and considered review of the request you made and the responses that the Treasury gave under the FOI Act.

If you are not content with the outcome of this internal review you have the right to apply directly to the Information Commissioner for a decision. The Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Head of Information Rights Unit

## Annex A – Internal Review Request of 11 January 2021

*"Thank you for your reply. I would like to ask for an internal review of your decision to withhold all the information I requested.*

*There is a strong public interest in understanding the interaction between Greensill Capital and the Treasury with regards to Coronavirus financial support packages. Greensill Capital's Greensill Bank is under regulatory scrutiny in Germany over its exposure to businesses related to Sanjeev Gupta, one of its major clients. Companies related to Mr Gupta have also benefited from tens of millions of covid loans, though they only employ a handful of employees. A series of Greensill clients last year defaulted on debt, following corporate collapses and accounting scandals.*

*It is notable that Greensill Capital has had not just one, but six meetings with Treasury official Roxburgh in three months - so there is a clear public interest in understanding the necessity for that many meetings with one commercial partner. It is also notable that during the period the other main providers of supply chain finance did not attend meetings (e.g. Orbian or Prime Revenue) .*

*With regards to the exemptions you have invoked:*

*Section 35 1 a: Whilst I can accept that there may be an argument that some of the information I have requested may fall under Section 35, government policy formulation, I doubt that this applies to all of the information requested, such as titles of attendees or many of the materials handed out.*

*Section 41 - did Greensill ask for an NDA to be signed?*

*Section 43 (2) - For the reasons above it is of utmost importance that the information relating to these meetings is considered under the public interest. Given Greensill Capital's close connection to a series of entities which have collapsed amid fraud allegations, it is very much in the public interest to ensure that the eligibility process for hundreds of millions of Covid support packages is done in a transparent as possible way. Section 43 is an exemption that is subject to the public interest test. In your argument explaining why you believe withholding all the information is in the public interest you do not provide any clarification (apart from some very generic points) why section 43 (2) should apply to this particular material, and how the release of this information would prejudice commercial interest.*

*Section 40 (2) Personal data*

*It is unclear, based on your response, why all the information relating to individuals attending as well as their titles would be considered personal information. As the Information Commissioner has laid out, the ICO applies a number of tests when considering whether Article 6(1)(f) of the GDPR applies in the context of FOI, including whether there is a legitimate interest. Given that Greensill Capital has a number of high level political connections, including ex-PM David Cameron who is an adviser, it is important for the public to understand whether Mr Greensill himself attended the meetings and who else took part.*

*As a CEO, for instance, Lex Greensill, would expect less privacy than a low level employee and it would be clear to him as a contractor that information relating to such meetings may fall under FOI.*

*The exemptions you suggest do not apply to all parts of my request. You have not clearly stated how any of the exemptions would apply for instance to the query relating to "time and duration of the meeting" or "meeting agenda" (which is broad and does not disclose detail). I therefore would ask for an internal review under the FOI act. "*