

Cllr Susan van de Ven

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www.gov.uk/hm-treasury

2 March 2021

Dear Cllr van de Ven

Refs: FOI2021/03707
and FOI2021/03712

Freedom of Information Act 2000

Thank you for your three follow-up enquiries of 2 February 2021, in response to our letter dated 21 January 2021 (under our references: FOI2020/46502 and FOI2020/46510), which we have considered under the terms of the Freedom of Information Act 2000 (the FOI Act). We are grouping two of your requests and responding to them together because they are both relate to Thakeham Ltd. We will respond to your third request separately, under our reference FOI2021/03713.

You asked for the following information:

FOI2021/03707:

"Please disclose all documents that you hold (including, but not limited to, notes, memos, papers, emails, letters and presentations) relating to the property development company known as Thakeham (including limited companies Thakeham Homes Limited, Thakeham Client Limited, Thakeham Homes (Southern) Limited) from 24/07/2019 to date."

FOI2021/03712:

"Please disclose details that you hold of all meetings between a) the property development company known as Thakeham (including limited companies Thakeham Homes Limited, Thakeham Client Limited, Thakeham Homes (Southern) Limited) and/or any of its subsidiary companies and/or any of its representatives, and b) Rishi Sunak MP, Stephen Barclay MP, Robert Jenrick MP, Simon Clarke MP and Kemi Badenoch MP from 24/07/2019 to date."

Following a search of our records, we can confirm that HM Treasury does hold information within the scope of your request.

Our searches showed that we hold a copy the report Help to Build, which references Thakeham. Section 21 of the FOI Act does not oblige the Treasury to reissue information which is already publicly accessible; however, in case it is helpful, we have provided a link to the report here:

<https://www.cps.org.uk/files/reports/original/200609230022-CPSHELPTOBUILD1.pdf>

The other information that we have identified engages section 35(1)(a) of the FOI Act. Section 35(1)(a) is engaged because the information in scope is with regards to the ongoing development of the National Planning Policy Framework. This is a qualified exemption and we are required to balance the public interest between disclosure and non-disclosure of the information.

In relation to the release of this information, 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. There is a clear public interest in the work of Government departments being transparent and open to scrutiny to increase diligence.

Balanced against this, with regard to section 35(1)(a), is the public interest in protecting the Government's ability to discuss and develop policies and to reach well-formed conclusions. The Information Commissioner has recognised that policy development needs some degree of freedom to enable the process to work effectively and we consider that there is a strong public interest in protecting information where release would be likely to have a detrimental impact on the ongoing development of policy. There is a strong public interest in protecting against encroachment on the ability of ministers and/or officials to develop policy options freely and frankly.

Finally, some of the information in scope is personal data. Section 40(2) of the FOI Act, by virtue of section 40(3A) 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 (GDPR). 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.

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

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Email: foirequests@hmtreasury.gov.uk

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

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The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (or via their website at: <https://ico.org.uk>).