

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 13 March 2014

**Public Authority:** HM Treasury  
**Address:** 1 Horse Guards Road  
London, SW1A 2HQ

#### **Decision (including any steps ordered)**

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1. The complainant has requested information relating to the Chancellor of the Exchequer's attendance at the Bilderberg Conference. He has also asked a number of questions about the 'bedroom tax'.
2. The Information Commissioner's decision is that HM Treasury breached section 17(3) by failing to complete its consideration of the public interest within a reasonable time period.
3. The Commissioner wrote to HM Treasury on 28 November 2013 stating that it should issue its response within 20 working days. HM Treasury has now provided its full response including the outcome of its consideration of the public interest test and therefore the Commissioner does not require any remedial steps to be taken in this case.

#### **Request and response**

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4. On 20 June 2013, the complainant wrote to The Chancellor of the Exchequer and requested information in the following terms:  
*"What was the 'Chancellors' role and responsibilities to 'The Bilderberg Group' which met in England recently?"*
5. The complainant also referred to the 'bedroom tax'. He explained that he did not understand this 'tax' but included a Fee Schedule, a Bill and a Statement of Account seeking to charge the Chancellor some £306.97.
6. HM Treasury responded on 19 July 2013. It stated that the Chancellor attended the conference in a private capacity.

7. On 8 August 2013 HM Treasury wrote to the complainant again stating that his request had been referred to the Chancellor by his MP and its Information Rights Unit was required to respond.

8. HM Treasury stated:

*"This request is identical to your previous request of 20 June to which we replied on 19 July, our reference 13/649. As advised in our earlier letter to you, the Chancellor attended the Bilderberg conference as a private individual. However, in attendance at Bilderberg, as with other international meetings, affords the opportunity to meet other Finance Ministers and senior members of international organisations. For discussions in the periphery of the Bilderberg meeting, on issues of concern to the UK, the Chancellor acts in an official capacity. As part of their duties, Ministers engage with key international institutions and intergovernmental groupings including the European Union, G7, G20 and the International Monetary Fund. This engagement is important in fostering international cooperation to achieve outcomes that support UK economic interests.*

9. In addition, HM Treasury provided an explanation regarding the 'bedroom tax/under occupancy assessment' introduced in the Welfare Reform Act 2012.

10. On 15 August 2013 the complainant wrote to HM Treasury again requesting the following information:

*"Please elaborate on the following [Freedom of Information Act 2000]:*

- i. How a reduction in housing benefit paid does 'enable' claimants?*
- ii. What is the projected outcome of the reduction?*

*Moreover, in your letter you state "...the Chancellor attended the Bilderberg conference as a private individual." Why is this?*

*Your response is required under: Freedom of Information Act 2000.*

*You must also explain the following points [Freedom of Information Act 2000]:*

- i. What does 'fostering international cooperation' mean?*
- ii. What 'outcomes' is the 'Chancellor' attempting to achieve?*
- iii. What are the 'UK economic interests'?*
- iv. What proposals and decisions did the 'Chancellor' make?*

v. *What has the 'Chancellor' gained from this meeting?*

11. HM Treasury responded on 16 September 2013. It confirmed that it held some information within the scope of the request. However, it stated that this information was exempt by virtue of sections 29(1)(a) (UK economic interests) 27(1)(b) and (c) (international relations) and 35(1)(a) policy development.
12. HM Treasury then explained that these are qualified exemptions and therefore subject to the public interest test. Therefore it did not have to comply with the request until such time as is reasonable in the circumstances. HM Treasury stated that it required additional time to assess the public interest and expected to be able to respond within the next 20 days.
13. On 20 September 2013 the complainant wrote to HM Treasury raising concerns about the response he had received to his 15 August 2013 request and seeking clarification. On 18 October 2013 the complainant wrote again stating that HM Treasury had not provided a response to his request within the additional time frame it had stated and therefore he was referring his complaint to the Commissioner.

### **Scope of the case**

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14. The complainant contacted the Commissioner on 20 November 2013 to complain about the way his request for information of 15 August 2013 had been handled.
15. The Commissioner wrote to HM Treasury advising it should provide a response within the next 20 working days. He also provided a copy to the complainant.
16. The complainant contacted the Commissioner again on 17 January 2014 stating that he had still not received a response.
17. The Commissioner considers the scope of this case to be to determine if HM Treasury complied with the statutory time limits in providing its response.

### **Reasons for decision**

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18. Section 17(1) of FOIA requires a public authority to issue a refusal notice to a requestor within the time for complying with section 1(1), stating the exemptions it is seeking to rely on, and if not clear, an explanation as why such exemptions apply.

19. However, if a public authority is relying on a qualified exemption then it can, by virtue of section 17(3), take an additional period of time that is reasonable in the circumstances to consider the balance of the public interest test. In the Commissioner's opinion in most cases 20 working days should be an adequate period of time in which to consider the balance of the public interest test and even in complex cases the time taken should not exceed 40 working days.
20. The request was submitted on 15 August 2013. As stated above HM Treasury responded to the complainant on 16 September 2013 stating the exemptions it considered applied but that it required further time to consider the public interest. It stated that it expected to be able to provide its response on the public interest test within the next 20 days.
21. The complainant did not receive a response to the request until 23 January 2013 when HM Treasury confirmed to the complainant that it considered the information requested in relation to 'Bilderberg' was exempt by virtue of sections 29(1)(a), 27(1)(b) and (c) and 35(1)(a). It also stated that it considered the public interest lay in favour of withholding the requested information. In the Commissioner's opinion this was an unreasonable period of time.
22. Although HM Treasury did provide a response to the complainant within 20 working days as required under section 17(1) it failed to comply with section 17(3) because it failed to communicate the outcome of the public interest consideration within a reasonable time.
23. As a response has now been provided to the complainant the Commissioner does not require any steps to be taken in this case.

## Right of appeal

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24. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

25. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
26. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**