



Department
for Exiting the
European Union

**Freedom of Information
Team**

Correspondence Unit
9 Downing Street
SW1A 2AG

foi@dexeu.gov.uk
www.gov.uk

Chris Hodgkins
Via: chrishodgkins3@gmail.com

Our ref: DEX000968

16 August 2018

Dear Chris Hodgkins,

FREEDOM OF INFORMATION REQUEST REF: DEX000968 - INTERNAL REVIEW

Thank you for your email of 24 April 2018 where you requested an internal review of our response to your request made under the Freedom of Information Act 2000 (the "Act"), issued to you on the same day. I have now completed the review of our response.

Original Request, received 28 December 2017:

I would be grateful if you could let me know if and impact analysis on the arts in the UK leaving the European Union has been commissioned, the date it was commissioned and the date it was published. I would also be grateful for a copy of the analysis or an opportunity to read the analysis.

Internal Review Request, received 24 April 2018:

I request that you undertake an internal review of my request for information. I received a reply on the 26th January to my initial request and then a similar response on 23rd February and the 26th March 2018. When I finally receive a reply after four months it appears you hold the information but cannot disclose it. But if you had the information why was I not informed in January 2018. I can only draw the conclusion from this that there was no impact analysis available until now. Furthermore your interpretation of the arts is vastly different from mine. The arts in terms of this request are the performing arts, dance, music and theatre. This needless shroud of secrecy is not helpful to any one especially this particular tax payer. As a jazz trumpet player I need to know what impact I can expect from BREXIT I am copying this to people who take an interest in these matters.

Substantive response

Our response of 24 April 2018 refused to provide the information we held in scope to you, citing that some of the information (commissioning date) was not held, and that the rest of the information was exempt under various sections of the Act, including sections 27, 29, 35, 40.

Review

I have now completed the review, taking into account your point on whether the requested information was in fact held at the time of your request. I find that at the time of the request, the exemptions applied were correct and are still applicable to the information.

However, when applying extensions it is a requirement that at the time of issuing you an extension, that we must either confirm that we hold the information or that we are choosing to neither confirm nor deny if we hold information. I can confirm that information was held in the Department which fell in scope of your request prior to 28 December 2017, and that we therefore should have confirmed this fact to you in the extension notices we issued to you. We have therefore failed to comply with section 17(1) and section 1(1) of the Act and apologise for any confusion or inconvenience caused. We will take this forward in training to ensure this does not happen in future requests.

The other point you raise involves our definition of “the Arts”. You note that you define the Arts for this request to include “*performing arts, dance, music and theatre*”. We took the Arts to cover anything in the Creative Industries, and find the list¹ we used in our original response covered not only that which you include in your list, but also additional parts of “the Arts”. We therefore do not find error with this part of our original response.

Review of timeliness

We applied several extensions to your request, and more than the Information Commissioner’s Guidance notes as “reasonable” under their Time Limits for Compliance Guidance². Although not formally written into the Act but in the spirit of the Act and the timeliness implied therein, I wish to apologise on behalf of the Department for this delay.

In conclusion, I find that the information was held at the time of your request, although we failed to confirm this to you as required by section 1(1) of the Act and I apologise for this oversight. The exemptions at sections 27, 29, 35 and 40 are engaged and where applicable, the public interest favours withholding the information.

This response ends the complaints process provided by the Department. If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane

¹ From original response, our “Creative Industries” list included: *Advertising and marketing; Architecture; Crafts; Design: product, graphic and fashion design; Film, TV, video, radio and photography; IT, software and computer services; Museums, galleries and libraries; Music, performing and visual arts and; Publishing.*

² <https://ico.org.uk/media/for-organisations/documents/1165/time-for-compliance-foia-guidance.pdf>

Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

J. Millar
Information Rights Appeals
Freedom of Information Team