



Cabinet Office

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Russell Scott

Via: request-1033801-26bb8059@whatdotheyknow.com

Our ref: IR2023/13156

31 January 2024

Dear Russell Scott

**FREEDOM OF INFORMATION REQUEST REF: FOI2023/11229  
INTERNAL REVIEW**

We refer to your email of 13 November in which you requested an Internal Review. Your request for an Internal Review was prompted by the Cabinet Office's response of 27 October to your request for information (reference FOI2023/11229) under the Freedom of Information Act 2000 ('the Act').

I apologise for the delay in my response. This letter constitutes the outcome of the Internal Review, My findings are below.

**The Request**

On 29 September you submitted a request for information. You wrote:

*'On the 09-01-23 Rishi Sunak meet with BP plc to discuss "BP's investment in energy security and net zero transition".*

*The meeting was recorded in the cabinet office ministerial transparency data.*

*link:*

*<https://www.gov.uk/government/publications/cabinet-office-ministerial-gifts-hospitality-travel-and-meetings-january-to-march-2023>*

**MY REQUEST:**

- 1 - Please confirm if you hold a copy of meeting minutes for this meeting?*
- 2 - If the answer to question 1 is yes, please provide a copy.*
- 3 - Please also provide a copy of the meeting attendance list, agenda and a copy of any ministerial briefing documents issued to Rishi Sunak prior to the meeting.'*

## The Response

The Prime Minister's Office responded to you on 27 October. They informed you they held information relevant to your request, which engaged the exemptions at Section 35(1)(a) and 43(2) of the Act. Having carefully considered the balance of public interest between disclosure and exemption, they concluded in this specific instance that the balance of public interest favoured exemption.

## Request for an Internal Review

On 13 November, you requested an Internal Review of your request for information. You wrote:

*'Dear Cabinet Office,*

*Please pass this on to the person who conducts Freedom of Information reviews.*

*I am writing to request an internal review of Cabinet Office's handling of my FOI request 'Rishi Sunak meeting with BP'.*

*Please review this decision - discussions on net zero are of huge public interest.*

*Furthermore commercially sensitive info can be redacted without the need to withhold all information.'*

## Outcome of the Internal Review

I have reviewed the information in scope and have carefully noted the points raised in your request for an internal review. It is my conclusion that the balance of public interest in this specific case continues to favour the exemption of the material in question.

Section 35 of the Act provides that information is exempt from disclosure where it relates to the development of Government policy, subject to the Public Interest test. As the Information Commissioner notes in their guidance<sup>1</sup>

*"The purpose of section 35 is to protect good government. It reflects and protects some longstanding constitutional conventions of government, and preserves a safe space to consider policy options in private."*

The meeting to which your request refers was chaired by the then Secretary of State for Business, Energy and Industrial Strategy. The Prime Minister attended for a short period to meet BP's then CEO, discuss BP's work in the UK, and to hear of BP's future plans.

As the reply of 27 October set out, the Cabinet Office recognises that there is a strong public interest in understanding the government's role in supporting and regulating business. I further recognise that there is a general public interest in

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<sup>1</sup> [Section 35 - Government policy | ICO](#)

transparency relating to Ministerial engagement, and to furthering the public understanding of how the Government seeks to develop policy.

Against this, I must also consider that as part of the policy development process, Ministers must be free to seek expert opinion and advice. This will include holding free and frank discussions with businesses, to understand how the Government can support their operations in the UK, consider any specific challenges that they may face, and understand the potential impact of Government policy on specific sectors.

As you will be aware, BP have significant investments in the UK in a wide range of sectors, supporting many thousands of jobs, and contribute greatly to the UK's energy security. They are also a key partner in the UK's transition towards Net-Zero. Encouraging and supporting investment in the UK by businesses such as BP remains a matter of live policy consideration.

If it were the case that the Government were to release specific information relating to very recent, candid discussions, there is a very real risk that business such as BP will be hesitant to have such open and frank discussions with Ministers in the future. This in turn would significantly degrade the Minister's ability to understand all the possible implications of any given policy on a particular sector. This would not be in the public interest.

In addition to Section 35(1)(a), I also have concluded that the original response should have considered the application of Section 35(1)(d) – operation of a Ministerial Private Office – in relation to some of the information held.

Ministers rightfully expect that officials in their Private Office will provide them with a full and detailed brief when holding a meeting of this nature, including candid and frank advice about the Government's understanding of the company's plans, and the individuals involved in the meeting. Premature disclosure of such information could lead to private offices being less willing to include robust briefings or candid assessments of the individuals that the Minister is to meet for fear of premature disclosure.

It is my conclusion again that release of the information held in relation to such a recent meeting would likely diminish the ability of officials to provide the full and frank briefings that assist Ministers in obtaining a full understanding of the matters in question and that it may also have a detrimental impact on the ability of the Private Office to provide the appropriate administrative support.

In all aspects of this case, I have concluded that disclosure in this instance of the information held would be likely to prejudice the effective formulation of Government policy, and that the public interest favours that this information is withheld.

Section 43(2) of the Act provides that information whose disclosure would, or would be likely to, prejudice the commercial interests of any legal person (an individual, a company, the public authority itself or any other legal entity) is exempt from disclosure, again subject to the public interest test and the prejudice test.

As the reply of 27 October set out, I recognise that there is a strong public interest in understanding the Government's relations with business and how the government works with business to develop appropriate economic policies.

Against this, I must recognise that it is very strongly in the public interest for Government to be able to engage with business, to fully understand any challenges that they may face. I have concluded that the Prime Minister's Office correctly identified that there is a very strong public interest in commercial organisations being able to manage their affairs privately and to represent their interests to central government in confidence.

I have concluded that the information in question is commercially sensitive, and disclosure would or would likely prejudice the commercial affairs of BP.

### **The Information Commissioner**

This response ends the complaints process provided by the Cabinet Office. 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:

<https://ico.org.uk/make-a-complaint/>

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely  
Head of Freedom of Information  
Cabinet Office