

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 October 2023

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

Decision (including any steps ordered)

1. The complainant has requested information concerning a meeting which took place on 11 March 2022 between Chancellor of the Exchequer Rishi Sunak and the Qatar 2022 Supreme Committee.
2. HM Treasury confirmed that they held information within scope of the request but they considered this to be exempt from disclosure in its entirety on the basis of sections 27(1)(a)(b)(d)(international relations) and 29(1)(a)(b)(the economy). HM Treasury also applied section 40(2)(third party personal data) to some of the withheld information.
3. The Commissioner has concluded that HM Treasury correctly applied 27(1)(a) to most of the information within scope of the request and that the public interest favours maintaining the exemption to the relevant information. However, the Commissioner has found that some of the information within scope of the request is not exempt under section 27(1)(a) or any other of the exemptions applied by HM Treasury.
4. The Commissioner requires HM Treasury to take the following steps to ensure compliance with the legislation.
 - Provide the complainant with a redacted copy of the briefing document, which discloses the information detailed in the

Confidential Annex attached to this notice, with the exception of the information detailed in paragraph 11 of the Annex.

5. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

6. On 9 December 2022, the complainant wrote to HM Treasury (HMT) and requested information in the following terms:

'I would like to request preparatory documents and minutes of the following meeting; 1. 11/03/2022 Between Rishi Sunak and Qatar 2022 Supreme Committee'.

7. HMT responded on 4 January 2023 and confirmed that they held information within scope of the request. HMT informed the complainant that they were withholding the information under sections 27(1)(a), (c) and (d) (international relations) of FOIA, but provided no explanation or basis for the engagement of the exemption subsections.
8. In respect of the public interest test, HMT advised that they recognised *'the public interest in transparency to improve public understanding of how government works'*. However, they considered that *'disclosing information that would be likely to prejudice international relations and impact on the protected space for the provision of free and frank advice, would not be in the public interest'*. HMT contended that the disclosure of the requested information, *'would be likely to compromise the effective conduct of the UK's international relations, and its ability to protect and promote its interests abroad. This would have negative consequences for future dialogues and contacts between the UK government and other countries'*. Therefore, having considered the public interest arguments, HMT considered that on balance the public interest lay in favour of withholding the information held.
9. HMT also advised that they were withholding information under section 40(2)(third party personal data) of FOIA. The department stated that section 40(3A) provided 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. Noting that the first principle requires the disclosure of third party personal data to be lawful, fair and transparent, HMT advised that they

believed that disclosure of the requested information would breach the first principle, since it would be unlawful to release the information.

10. The complainant wrote to HMT on 4 January 2023 and requested an internal review of the decision to withhold all of the information requested. The complainant asked that HMT reconsider their refusal to provide the documents and provide them with sensitive data redacted, stating that, *'this would protect the UK's interests in the international stage and allow scrutiny, which is in the public interest'*.
11. HMT provided the complainant with their internal review on 1 February 2023. The review upheld the use of sections 27(1)(a)(b) and (d) of FOIA and HMT stated that they continued to believe that disclosing the information would be likely to prejudice relations between the UK and any other State.
12. In favour of disclosure, the review recognised the inherent public interest in transparency and accountability of public authorities, and the broad public interest in furthering public understanding of the issues which public authorities deal with. HMT recognised that *'there is also a clear public interest in the work of Government departments being transparent and open to scrutiny to increase diligence'*.
13. However, the review confirmed that HMT considered that *'disclosing information that would be likely to prejudice international relations and impact on the protected space for the provision of free and frank advice, would not be in the public interest'*. HMT advised the complainant that the information requested *'relates to private meetings with representatives of foreign governments, who will assume these meetings are held in confidence'*. HMT contended that any release of the information would breach this confidence and be likely to cause harm to the UK and in particular its international relations. HMT stated that the trust that foreign governments have in the UK would likely be undermined by disclosure and this would cause harm to the UK and its ability to participate effectively in international discussions. The review therefore similarly found that the balance of the public interest fell in favour of withholding the information.
14. The review also found that *'the nature of the information also relates to sensitive matters of bilateral engagement and prospective foreign direct investments with identifiable companies'*. Consequently, HMT advised that the information was also exempt from disclosure under sections 29(1)(a) and (b)(the economy) of FOIA.
15. In respect of the public interest test, the review reiterated the public interest factors in favour of disclosure from the original response of 4 January 2023.

16. However, in favour of maintaining sections 29(1)(a) and (b), HMT advised that they considered that the disclosure of the information would be detrimental to the Government's ability to protect the economic interests of the UK. They stated that '*promoting the UK economy locally and overseas is a Government priority*' and that '*release of some of the information we hold would be likely to be detrimental to the Government's ability to promote and protect the economic interests of the UK as it may reveal the Government's current thinking in areas which may involve financial investment*'. HMT stated that this in turn may undermine the intended economic benefits to the UK, which they did not believe would be in the public interest. Consequently, HMT considered that the balance of the public interest fell in favour of withholding the information.
17. With regard to section 40(2), the review confirmed that '*a small amount of information*' within scope was the personal data of junior officials. HMT maintained this exemption as the individuals would not have an expectation that their names would be disclosed.

Scope of the case

18. The complainant contacted the Commissioner on 1 February 2023 to complain about the way his request for information had been handled.
19. In his complaint to the Commissioner the complainant advanced the following points:
 - 1) The documents can be published with strictly sensitive information redacted;
 - 2) The meeting was between Rishi Sunak and Qatar 2022 Supreme Committee and with Mr Sunak now being Prime Minister, there is added public interest in the disclosure of the information;
 - 3) The Supreme Committee's aim was '*responsible for the delivery of the required infrastructure and host country planning and operations*' for Fifa World Cup 2022. The event has now taken place, so there is no need to withhold information of what was discussed;
 - 4) The Supreme Committee is not a Qatari governmental body, it is part of a company incorporated by Fifa called FIFA World Cup Qatar 2022;
 - 5) The reported number of worker deaths make the contents of this meeting even more in the public interest as it is the right of UK citizens to know what their now PM discussed with the organising entity.

20. During the course of his investigation the Commissioner had sight of the withheld information and supporting submissions from HMT. The withheld information comprises two documents, the briefing document that was prepared for the Chancellor for the meeting of 11 March 2022 and a readout of the meeting itself.
21. The Commissioner considers that the scope of his investigation is to determine whether HMT were correct to withhold the requested information under the aforementioned exemptions.

Reasons for decision

Section 27(1)(a) – international relations

22. In submissions to the Commissioner HMT confirmed that that they were withholding the entirety of the withheld information on the basis of section 27(1)(a). This exemption states that:

'(1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) relations between the United Kingdom and any other State'.

23. HMT advised the Commissioner that this exemption was engaged because the disclosure of the information concerning the meeting would be likely to compromise relations between the UK and Qatar and other countries.
24. HMT noted that the meeting of then Chancellor of the Exchequer, Rishi Sunak, with the Qatar 2022 Supreme Committee on 11 March 2022 had been set out in the department's ministerial transparency data on meetings with external organisations¹. The purpose of the meeting was stated as being *'to discuss the UK-Qatar partnership and trade and investment in the UK'*.
25. HMT advised the Commissioner that Qatar is one of the UK's closest Middle East North Africa (MENA) allies, with both countries sharing a strong trade and investment relationship, alongside common foreign policy concerns. The UK and Qatar cooperate closely on defence and security. HMT stated that the UK and Qatar work together on a wide

¹ [HMT ministers' meetings: January to March 2022 - GOV.UK \(publishing.service.gov.uk\)](https://www.gov.uk/publishing.service.gov.uk)

range of political, commercial, security and economic issues of shared interest to both countries. *'These include tackling climate change, promoting prosperity and security in the region, and helping British companies succeed in Qatar'*.

26. HMT advised that in the summer of 2022 (pre-dating the complainant's request) the UK and Qatar signed a new Strategic Investment Partnership (SIP)² which will see Qatar invest up to £10 billion over the next five years in key sectors of the UK economy, including fintech, zero emissions vehicles, life sciences and cyber security. The investment is expected to create high-quality jobs in new industries across the UK.
27. HMT stated that The Supreme Committee for Delivery & Legacy was established in 2011 by the State of Qatar. They were responsible for the delivery of the required infrastructure and host country planning and operations for Qatar to host the 2022 FIFA World Cup, which took place between 20 November and 18 December 2022. The aim of the Supreme Committee was to *'accelerate progress towards achieving national development goals and create a lasting legacy for Qatar, the Middle East, Asia and the world'*.
28. In submissions to the Commissioner, HMT advised that disclosure of the requested information *'could be perceived as having breached the confidentiality with which those conversations take place, prejudicing the UK's relations with Qatar'*. HMT explained that:

'The information relates to private meetings with representatives of foreign governments, who will assume these meetings are held in confidence. Any release of this information would breach this confidence and be likely to cause harm to the UK and in particular its international relations with Qatar and other counterparts. The trust that foreign governments such as Qatar have in the UK would likely be undermined. This would cause harm to the UK and its ability to participate effectively in international discussions regarding topics that have been or will be discussed in the future, not only with Qatar but other allies, by breaking a mutual understanding of confidentiality'.
29. In addition, HMT stated that disclosure of the information could lead to misinterpretation, explaining that, *'conversations are not final policy measures and do not reflect final decisions. Engagement with foreign countries' representatives is an important part of the diplomatic process*

² [PM hails £10 billion Qatari 'vote of confidence' in the UK - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/pm-hails-10-billion-qatari-vote-of-confidence-in-the-uk)

and enables the UK to influence international matters to the benefit of the UK'. The Commissioner has highlighted parts of the withheld information which HMT considered to be particularly prejudicial to UK relations with Qatar in a Confidential Annex to this notice.

30. In order for a prejudice based exemption, such as section 27, to be engaged, the Commissioner believes that three criteria must be met:
- Firstly, the actual harm which the public authority alleges would, or would be likely to occur if the withheld information was disclosed, has to relate to the applicable interests within the relevant exemption.
 - Secondly, the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and the prejudice which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual or of substance.
 - Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – i.e. disclosure would be likely to result in prejudice or disclosure would result in prejudice. If the likelihood of prejudice occurring is one that is only hypothetical or remote the exemption will not be engaged.
31. With regard to the first criterion of the three limb test described above, the Commissioner accepts that the potential prejudice described by HMT clearly relates to the interests which the section 27(1)(a) exemption is designed to protect.
32. However, with regard to the second and third criteria, the Commissioner, having had sight of the withheld information, does not accept that disclosure of all of the information within scope of the complainant's request would be likely to lead to the prejudice asserted by HMT.
33. With regard to the readout of the Chancellor's meeting with the Qatar 2022 Supreme Committee, the Commissioner accepts that disclosure of any of the information contained in the readout would be likely to prejudice the UK's international relations with Qatar. The Commissioner accepts that disclosure of this information would encroach on the confidential space which the UK needs to conduct effective and mutually beneficial relations with Qatar. In the view of the Commissioner, this is especially the case given that the relatively recent (9 months) age of the information contained in the readout at the time of the request, increases the sensitivity of the same.

34. The Commissioner notes that in *Campaign against Arms Trade v the Information Commissioner and Ministry of Defence* [EA/2007/0040] (26 August 2008)³, the Information Tribunal made clear that in respect of section 27(1), '*prejudice can be real and of substance if it makes relations more difficult or calls for particular diplomatic response to contain or limit damage which would not otherwise have been necessary*'. The Commissioner is satisfied that disclosure, at the time of the request, of the information contained in the readout of the meeting would have made UK relations with Qatar more difficult and consequently, disclosure would have been likely to prejudice relations between the two countries.
35. Similarly, the Commissioner considers that disclosure of **some** of the information contained in the briefing document prepared for then Chancellor Sunak, would be likely to prejudice relations between the UK and Qatar. However, the Commissioner has noted that a large amount of the information contained in the briefing document is strictly factual in nature, and merely repeats or reflects information which was already in the public domain at the time of the complainant's request. The Commissioner is satisfied that this information was not sensitive or confidential at the time of the request and its disclosure would not have been likely to prejudice relations between the UK and Qatar (or any other state). Consequently, the Commissioner has found that a sizable amount of the information contained in the briefing document is not exempt under section 27(1)(a) or any of the other subsections applied by HMT in this case.
36. The Commissioner has detailed the parts of the information contained in the briefing document which he is satisfied are not exempt under section 27(1)(a) in the Confidential Annex. Given the factual and public domain nature of this information, as shown in the Annex, the Commissioner is also satisfied that it is not otherwise exempt under the other exemptions applied by HMT in this case (e.g. the information could not prejudice the economic interests of the UK). Consequently, HMT are required to disclose to the complainant those parts of the information in the briefing document which are set out in the Annex.
37. The Commissioner recognises that as the information identified in the Annex reflects that already in the public domain, it is fair to say that its public interest value is limited in terms of the transparency which it will provide. However, since the Commissioner is satisfied that the

³ [Campaign against Arms Trade v the Information Commissioner and Ministry of Defence EA/2007/0040 \(26 August 2008\)](#)

information does not engage any of the exemptions applied by HMT in this case, there is no public interest test attached to this particular information.

38. The Commissioner considers that it should have been readily apparent, had the withheld information been considered carefully, that much of the information contained in the briefing document could not possibly engage section 27 or any of the other exemptions applied by HMT in this case. Rather than adopt a suitably redacted and proportionate approach to disclosure (as the complainant specifically requested in his request for an internal review), HMT instead took a blanket approach and withheld all of the information within scope, regardless of its sensitivity. It is disappointing and unsatisfactory that this erroneous approach was not identified and corrected at internal review or in subsequent submissions to the Commissioner.

Public interest test

39. Section 27(1) is a qualified exemption and therefore subject to the public interest test set out in section 2(2)(b) of FOIA. The Commissioner has therefore considered whether in all the circumstances of the case the public interest in maintaining section 27(1)(a) outweighs the public interest in disclosing the relevant information.
40. To be clear, as explained above, the relevant and only applicable information in this case is all of the information contained in the readout of the meeting but only some of the information contained in the briefing document.
41. In submissions to the Commissioner HMT recognised that there is an inherent public interest in transparency and accountability of public authorities, and broad public interest in furthering public understanding of the issues which public authorities deal with and understanding how the Government engages internationally. In this specific case, HMT recognised *'the public interest in being able to understand the relationship between the UK and Qatar'*.
42. As noted previously, in submissions to the Commissioner, the complainant contended that the reported number of worker deaths associated with the building of the infrastructure for the Qatar World Cup, made the contents of then Chancellor Sunak's meeting with the Supreme Committee even more in the public interest *'as it is the right of UK citizens to know what their now PM discussed with the organising entity'*.
43. In submissions to the Commissioner, HMT explained that as an economics and finance ministry, they rely on information provided by a

range of stakeholders to help develop policy and wider understanding. HMT contended that, *'there is a strong public interest argument that HM Treasury, as well as wider Government, maintain good working relationships with international states and international organisations, who are considered valuable stakeholders, to better understand all considerations when developing policy. We have a good relationship with Qatar as we have shared interests regarding investment, climate and security. It is imperative that this relationship is maintained and protected'*.

44. HMT advised that they considered that the transparency of information is met to some extent by HMT's ministerial transparency data on meetings with external organisations and through information published on GOV.UK about Qatar and the UK. HMT appreciated that information published on GOV.UK does not provide the same level of detail as the information requested by the complainant, but they considered that it satisfies some of the public interest arguments for disclosing the information. By way of illustration, HMT noted that the 11 March 2022 meeting which was the subject of the request was to discuss the UK-Qatar partnership and trade and investment in the UK. HMT noted that information published on GOV.UK includes details on contact with Qatar⁴ and trade⁵. HMT stated that this published information satisfies the public interest in understanding *'broadly'*, the UK's engagement with Qatar.
45. As the Upper Tribunal confirmed in *Montague v The Information Commissioner and The Department of Trade* (UA – 2020 -000324 & UA - 2020-000325)[1 April 2022]⁶, the time for judging the competing public interests in a request is the time when the public authority should have given a response in accordance with the timeframe required by FOIA. Therefore the appropriate time in this case was on or around 6 January 2023 (i.e. 20 working days after the complainant's request on 9 December 2022).

1. ⁴ [PM call with the Amir of Qatar: 7 October 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/pm-call-with-the-amir-of-qatar-7-october-2022)

⁵ [UK agrees two deals with major gulf trading partner Qatar - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/uk-agrees-two-deals-with-major-gulf-trading-partner-qatar)

⁶ [IN THE UPPER TRIBUNAL \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

46. At that point in time, Mr Sunak had been Prime Minister of the UK for just over two months, having previously been Chancellor of the Exchequer at the time of the meeting which forms the subject of this request. The complainant has contended that Mr Sunak's subsequent elevation has increased the public interest in disclosure. The Commissioner accepts that Mr Sunak's change in political status (since the meeting in March 2022) does lend some further weight to the public interest in disclosure of the information.
47. Similarly, by 6 January 2023, the World Cup in Qatar had finished over two weeks previously. Consequently, the Commissioner would agree with the complainant to the extent that the safe space required for UK/Qatar discussions about the World Cup, would have lessened to a significant and substantial degree.
48. The Commissioner recognises that the decision to award Qatar the hosting rights of the World Cup in 2022 was controversial and attracted considerable criticism. Qatar's suitability for such a tournament, with its hot climate and lack of a strong football culture, as well as the country's treatment of women and members of the LBGT community, raised questions about the decision to award the hosting rights to a country with the human rights record of Qatar⁷. Allegations were made that Qatar had profited through bribery⁸, and serious concerns have been raised about the reportedly high numbers of migrant worker deaths whilst building the stadiums and other infrastructure⁹.
49. All of the above factors clearly lend significant and legitimate public interest weight and value to any information which would provide additional transparency and accountability as to how the UK Government engaged with Qatar in the months running up to the World Cup.
50. However, it is important to note that the meeting about which the complainant has sought information was not limited to, or even primarily about, the World Cup in Qatar. Rather, the purpose of the meeting was to discuss the UK-Qatar partnership and trade and investment in the UK.

⁷ [Qatar: Rights Abuses Stain FIFA World Cup | Human Rights Watch \(hrw.org\)](#)

⁸ [Football corruption and the remarkable road to Qatar's World Cup | World Cup 2022 | The Guardian](#)

⁹ [Revealed: 6,500 migrant workers have died in Qatar since World Cup awarded | Workers' rights | The Guardian](#)

This clearly encompasses much wider issues and initiatives than the World Cup, and the withheld information reflects this.

51. Having had sight of the withheld information, the Commissioner does not consider that its disclosure would provide appreciably greater transparency as regards UK/Qatar engagement concerning the World Cup in Qatar than is already in the public domain. This is important, given that the complainant's (entirely reasonable) public interest case for disclosure focusses on the World Cup 2022.
52. However, the Commissioner recognises that the legitimate and important public interest in understanding the relationship between the UK and Qatar (particularly in view of Qatar's human rights record) goes beyond the World Cup 2022 and encompasses the UK's relationship with Qatar in the trade and investment spheres (the purpose of the meeting which forms the subject of the information requested by the complainant).
53. The Commissioner considers that disclosure of the withheld information would provide greater detail and insight into the relationship between the UK and Qatar and therefore the public interest weight and value of the withheld information is significant and specific. However, the Commissioner considers that the public interest in disclosure of the withheld information in this case is outweighed by the wider and stronger public interest in ensuring that the UK enjoys effective international relations with Qatar (and indeed other states) in order to further and maximise its trade and investment aims and potentialities.
54. The Commissioner accepts that disclosure of the withheld information would likely be seen as a breach of trust by Qatar and this would impact negatively upon UK/Qatar relations and jeopardise the UK-Qatar partnership and the trade and investment opportunities which are provided by the same. Such an outcome would clearly not be in the public interest.
55. In assessing the public interest balance in this case, the Commissioner has noted, as HMT have highlighted, that a significant amount of official information about the UK-Qatar partnership and trade and investment deals was in the public domain at the time of the complainant's request (see footnote 2 on page 6 for example). The Commissioner considers that this proactively published information reduces to some extent the weight of the withheld information in this particular case and proportionately and appropriately meets the legitimate public interest in relations between the UK and Qatar.

56. Taking all of the above factors into consideration, the Commissioner is satisfied that in this particular case, the public interest comfortably favours maintaining the exemption to those parts of the withheld information which engage the same.

Right of appeal

57. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

58. 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.
59. 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

**Gerrard Tracey
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SK9 5AF**