

## Annex

### Reasons for not providing information

#### An exemption applies

An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the information requested because it is personal data, i.e. names and contact details of individuals, and disclosing this would contravene the data protection principles on Schedule 1 of the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

An exemption under section 30(b)(ii) of FOISA (free and frank exchange of views) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. This exemption recognises the need for officials to have a private space within which to discuss matters in relation to Heathrow Airport. Disclosing the content of these discussions could lead to officials being reluctant to provide their views fully and frankly if they believe that those views are likely to be made public.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government. However, there is a greater public interest in allowing officials a private space within which to communicate with each other. This private space is essential so that good policy decisions can be taken based on fully informed advice and evidence.

An exemption under section 33(1)(b) of FOISA (commercial interests) applies to some of the information requested. This exemption applies because disclosure of this particular information would, or would be likely to, prejudice substantially the commercial interests of Heathrow Airport. Disclosing this information could potentially give Heathrow airports' competitors an advantage as it relates to commercial information about London Heathrow's operations.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open and transparent government. However, it is important that we do not publish commercial information that could have a potential negative impact on a stakeholder, in this case Heathrow Airport.