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Ian Rex-Hawkes

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16 November 2022

Dear Ian Rex-Hawkes,

Refs: IR2022/22352
FOI2022/19547

Freedom of Information Act 2000 Internal Review

Thank you for your email dated 4 November, requesting an internal review of our response dated 4 November to your information request made under the Freedom of Information Act 2000 (the FOI Act), under our reference: FOI2022/19547.

The department has now completed its internal review process and has carried out a thorough review of the case overseen by a senior official who was not involved with the original request.

Background

On 9 October 2022, you made the following request under the FOI Act:

"I would like to see the OBR reports on the impact of the statement of 23 September 2022. It is vital to the democracy of the country that we as citizens are allowed to see the impact of fiscal policies introduced by the government, so hiding these documents from inspection is immoral at best."

On 4 November 2022 we issued our response which confirmed that the information in scope engaged section 35(1)(a) of the FOI Act (formulation and development of Government policy); section 29(1)(a) (prejudice to the UK's economic interests); and section 29(1)(b) (prejudice to the financial interests of the UK). Given these are qualified exemptions, we explained our public interest balance considerations for releasing the information and for maintaining the exemptions. We concluded that the balance was in withholding the information.

On 4 November 2022, you requested an internal review as follows:

"Many thanks for acknowledging that this information is currently held. I must reiterate my request and need to argue the following:

- *Your claim that this falls under s35(1)(a) as an exemption is wholly without merit. s35(2)(a) indicates that any statistical information used to make a decision cannot be held back as information pursuant to the formulation or development of government policy once that decision has been announced.*
- *As the statement was made on 23 September 2022, the decisions based on this information were finalised.*
- *Consequently, this information is no longer exempt under s35(1)(a).*
- *The fact that the then-government and the new government have reneged on almost all aspects of the statement made on 23 September 2022 does not change the fact that as of that date the matter was considered closed, and therefore projections are no longer part of the formulation of future policy.*
- *I do not agree at all with the claim that this information request prejudices the UK's economic or financial interests. Indeed, the analysis is now largely irrelevant, as almost all measures have been undone, so the interest that I have is largely one of accountability, i.e. whether ministers were warned about what they planned to announce and chose to proceed regardless.*

If it is necessary to do so, please escalate this request to the complaints department."

The Review

I have considered the response we provided to you and whether our handling was compliant with our obligations under the FOI Act. We are maintaining our reliance on section 35(1)(a) of the FOI Act (formulation and development of Government policy); section 29(1)(a) (prejudice to the UK's economic interests); and section 29(1)(b) of the FOI Act (prejudice to the financial interests of the UK).

The policy process, for which the Office for Budget Responsibility (OBR) forecast is a key input, is ongoing and has not been completed with announcements in the Growth Plan or the Chancellor's fiscal announcements on 17 October. The timetable of the forecast process can be found online ([link](#)).

We would also like to clarify a possible misunderstanding in your suggestion that the OBR produced an assessment of the Growth Plan prior to it being announced. The Chancellor did not commission a forecast to be produced alongside the Growth Plan and therefore the OBR did not provide an assessment of its impact prior to announcement. The Chancellor formally commissioned the OBR to produce a forecast on the 26 September ([link](#)) and requested they produce the first draft of their forecast on 7 October ([link](#)), which included an assessment of announced policies in the Growth Plan. This draft of the forecast is part of the ongoing forecast process, which concludes on 17 November, and has fed into successive fiscal rounds and informed policy development for the upcoming Autumn Statement on the same date. The Chancellor Jeremy Hunt made announcements on 17 October ([link](#)) but this was not the end of the policy making process which we can confirm continues to be live, ongoing and informed by the forecast. The OBR's Economic and Fiscal Outlook and the Chancellor's Autumn Statement will be published on 17 November.

Given the points above and those in our response of 4 November, we maintain that the public interest rests in withholding the in-scope information and maintaining the FOI exemptions.

Conclusion

While I am aware you may find these conclusions disappointing, I hope that by setting out the basis of the review, its findings and conclusions above, you will be assured that the Treasury has, on your behalf, carried out a thorough and considered review of the request you made and the responses that the Treasury gave under the FOI Act.

If you are not content with the outcome of this internal review you have the right to apply directly to the Information Commissioner for a decision. The Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Head of Information Rights Unit