



[REDACTED]

11 November 2021

Dear [REDACTED],

Freedom of Information request: FOI2021/00415

Thank you for your Freedom of Information request received on the 6 September in which you requested the following:

Your request:

Please could you supply correspondence and communication between UKRI Central Function and the Foreign, Commonwealth and Development Office that mentions the phrase "ODA" or "Official Development Assistance" between 4th March 2021 to 10th March 2021.

Our response

I can confirm UK Research and Innovation (UKRI) hold the information relevant to your request.

Using the parameters provided in your request, compliance searches have been undertaken on the email accounts of UKRI central staff to all FCDO email accounts. 42 email trails and attachments were determined to be within scope of your request.

Please find attached 4 emails in response to your request. Please note, all personal information including names and contact details have been redacted under section 40(2) of the FOIA. Disclosing this information would contravene the first Data Protection Principle as defined under Section 86 of the Data Protection Act 2018 and Article 5 of UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption and does not require a public interest test

The remaining 38 emails identified relate to early discussions around the ODA funding announcement and information on the FCDO and third parties. This information has been withheld as it engages the following exemptions:

- Section 27** - the exemption relating to international relations,
- Section 41** – the exemption relating to information provided in confidence,
- Section 43** – the exemption relating to commercial prejudice,
- Section 36** – the exemption relating to the effective conduct of public affairs.

Section 27 - the exemption relating to international relations, section 43 – the exemption relating to commercial prejudice and Section 36 – the exemption relating to the effective conduct of public affairs are qualified exemptions, meaning that a public interest test was carried out to determine whether the public interest outweighs the application of the exemption. Each exemption has been carefully considered and details of the relevant public interest test arguments can be found in turn below.

Public interest in favour of disclosure:

- There is a general interest in the disclosure of correspondence involving the development of UKRI and government policy to promote transparency and accountability around UKRI's role and function.
- The quality of UKRI advice and content of deliberations may adapt, improve and reflect the interests of different communities if there was an expectation of the information being made publicly available.
- There is a clear public interest in demonstrating UKRI's contribution to the development and implementation of policy relating to research and innovation, both at a government level and in addressing UKRI's own strategy and priorities.

Public interest in favour of withholding the information:

In relation to section 27(1)(a), (c) and (d), international relations:

- There is a public interest in protecting communications between public authorities in the United Kingdom (UK) and other States. The communications involve international funding matters, including the management of the reduction of ODA funding. There is strong public interest to withhold these communications to protect strategic alliances for research and attracting funding.
- Disclosure, especially at such an early stage, would prejudice international stakeholder relationships, creating more difficult working conditions by placing them under unnecessary strain.
- The public authorities would be exposed to the possibility that trust between the parties would be undermined by release of the information, which would lead to vulnerability and possible weakening of their relationships with foreign institutions and States, hindering their interests abroad.
- There is a public interest in protecting confidentiality and respecting international confidences.

In relation to section 43(2) commercial prejudice:

- There is a public interest in protecting commercially sensitive information including early funding discussions, funding information, matrices, and draft internal communication lines. Release would undermine strategic alliances and hinder decision making, damaging UKRI commercial interests
- These are confidential communications and release would prejudice future collaborations with those affected by the ODA funding decision.
- Breaching the commercial interest may also adversely affect future opportunities for UKRI. UKRI may be seen as a 'confidentiality' risk if they routinely release information relating to business arrangements into the public domain, particularly where this is third party information.
- We follow the government guidance on managing public money¹. Standards expected of all public services include integrity, reliability, spending money in the public interest and achieving value for money. Our current stakeholder relationships inform the selective allocation of funding for research. Releasing this information could jeopardize UKRI strategic relationships and undermine our function to secure the continuation of a world-class, dynamic, and responsive research base. In turn, undermining this process would go against our responsibilities to manage our use of public funds.

In relation to section 36(2) effective conduct of public affairs:

- The issues discussed in these emails relate to an unprecedented situation requiring rapid decision making on sensitive issues, requiring significant discussion and provision of advice between UKRI and the FCDO. The release of these emails into the public domain will inhibit the free and frank discussion of developing issues and provision of advice, including for the purposes of deliberation. Given the ongoing sensitivity around this issue, disclosure would also likely impact UKRI's ability to conduct its affairs effectively.
- The interests of UKRI and government departments (including FCDO) would be affected if information on important ongoing issues is disclosed prematurely.

- It is essential that UKRI staff have a safe space to allow free and frank discussion in order to deliberate UKRI's own strategy and priorities for a significant reduction in funding allocations.
- The safe space for discussions would extend to the analysis of stakeholders and funders to explore ideas and priorities at an early stage.
- The impact of disclosing the correspondence would inhibit the exchange of views and provisions of advice, impairing the quality of government policy making and inhibiting UKRI's ability to engage openly and effectively with government departments, advisors and others.
- A chilling effect may also occur and inhibit information sharing. While we would not expect a loss of frankness or candour in discussions between UKRI and government officials we might expect some impact on written communications, correspondence outside of meetings and for access to information on preliminary policy options to be restricted. We may expect some loss of access to, or candour in, advice from third parties. The impact at the present would be significant in view that the e-mails demonstrate that the parties involved were at the early stages of analysis and deliberation and had yet to consolidate their thinking. The chilling effect may inhibit information sharing with government agencies such as the FCDO and the Government of India.
- Disclosure at the present time would cause significant disruption. While high-level allocations were expected following the Government announcement of the 2021 Spending Review on 27 October 2021 further staff time and effort to finalise UKRI and council allocations will be required and this process is expected to continue for some time.

Section 36 requires the public authority's 'Qualified Person' to consider the likelihood of prejudice or inhibition of the effective conduct of public affairs and the subsequent consideration of the balance of public interest.

The appointed Qualified Person for UK Research and Innovation is Professor Leyser, our Chief Executive Officer.

Professor Leyser has considered the correspondence, and it is her opinion that prejudice would occur from disclosure. Specifically, that the correspondence contains sufficiently substantive information discussing emerging ideas and discussions that, if released, would damage future discussions between UKRI and third parties on important ongoing issues or topics.

Section 36(2)(b)(i) and (ii) would be engaged as the free and frank provision of advice or exchange of views between UKRI and third parties would be inhibited, and Section 36(2)(c) would be engaged in otherwise prejudicing the effective conduct of public affairs in diverting resources to manage the effects of disclosure.

Overall, UKRI considers that on this occasion the public interest is best served by maintaining the above exemptions, and therefore the information that falls within the scope of these exemptions has been withheld.

We have also determined that the information you have requested also falls under Section 41 of the FOIA, information provided in confidence. We believe that as outlined in the above arguments, if sensitive correspondence on ongoing early discussions was released, we believe it would result in an actionable breach of confidentiality.

Taking the above arguments into consideration, we reached the decision that the need for commercial confidentiality outweighs the public interest in disclosure; therefore, the information is exempt from disclosure.

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact:

Head of Information Governance
 Email: foi@ukri.org or infogovernance@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: <http://www.ico.gov.uk/>

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,


Information Governance
Information Rights Team
UK Research and Innovation
foi@ukri.org | dataprotection@ukri.org