



Department for Business & Trade

Department for Business and Trade
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FOI2024/05866

7 October 2024

Dear Andrew Clelland,

Thank you for your email of 11th July where you requested the following information:

Good afternoon,

I note your response and would seek to amend the request to cover only Kevin Hollinrake and for the period 27 October 2022 – 5 July 2024.

1.Details of all meetings held between Department for Business, Energy and Industrial Strategy (BEIS) and the Department for Business and Trade (DBT) officials and representatives from the organisations below.

This includes but is not limited to: Dates of meetings Names and positions of all meeting attendees Meeting agendas Meeting minutes or notes Details of discussions and decisions made during the meetings Any follow-up actions or decisions resulting from the meetings.

2.Copies of any written correspondence, emails, letters, or other communications exchanged between Department for Business, Energy and Industrial Strategy (BEIS) and the Department for Business and Trade (DBT) officials and representatives from the organisations below.

3.Any reports, analyses, or documentation prepared as a result of the meetings or related to discussions with representatives from the organisations below.

*The Hair and Barber Council
Salon Employers Association
Salon Owners United*

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

We can confirm that the Department for Business and Trade (DBT) holds information within scope of your request. Information relating to meetings, and other correspondence found within scope are being released under Annexes A-X (there are a total of 29 documents).

Please be advised that some of the information contained in these Annexes has been redacted under section 40(2) (personal information), section 41(1) (confidential information) section 43(2) (commercial interests) of the Act. Explanations for these exemptions can be found below.

Section 40 (Personal Information)

Section 40(2) of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. The exemption is designed to address the tension between public access to official information and the need to protect personal information. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair, lawful and transparent.

Senior officials should expect it fair that their details may be disclosed as part of a FOI response as their posts carry a greater level of accountability, since they are likely to be responsible for major policy decisions and the expenditure of public funds. However, having factored in the nature of the request and the responsibilities of the employees in question we do not consider the right of public access to official information to outweigh the right of junior members of staff to have their personal information protected.

Section 41 (Confidential Information)

Section 41 is an absolute exemption and applies to information that we have obtained from any other person, and where disclosing it would constitute an actionable breach of confidence. The information covered by your request is implicitly provided to the Department in confidence. The courts have recognised that there is a very strong general public interest in protecting confidences, but that a person will not succeed in an action for breach of confidence if the public interest in disclosure outweighs the public interest in keeping the confidence. So, although the Act requires no explicit public interest test under section 41, we have considered whether there is an overriding public interest in disclosure. However, in this case we do not consider that there are any public interest arguments strong enough to convince the Department to set aside its duty of confidence.

Section 43 (Commercial Interest)

Section 43(2) protects information which would be likely to prejudice the commercial interest of any person (including the public authority holding it). Section 43 is a qualified exemption, this means that we are required to consider the balance of the public interest, to determine whether the information should be released to you.

Below are the factors considered by the Department in favour of releasing and withholding the requested information.

Factors in favour of release:

- The Freedom of Information Act has an underlying element of openness and transparency. Release of this information would go to promote such transparency.
- Release of this information would help to inform the general public about how the Department engages with external stakeholders.

Factors against release:

- The Department must ensure that the commercial interests of external organisations are not damaged or undermined by disclosure of information under the Act. The information contained is not common knowledge as it involves discussions between business leaders and HMG relating to industry practices. Disclosure of such information would be likely to prejudice their future business activities and weaken their ability to compete in a commercial environment.
- Stakeholders should feel free and able to share commercially sensitive information with the Department in the confidence that the information will not then enter the public domain and impact their wider commercial interests and opportunities.

Disclosure of the requested information in this case would be contrary to legitimate expectations of confidentiality and **would be likely to** damage the commercial interests of the companies. Having considered the public interest, we consider that the public interest in disclosing this information is outweighed by the public interest considerations in favour of withholding the information.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original request and should be addressed to the Information Rights Unit:

Information Rights Unit
Department for Business and Trade
Old Admiralty Building
London
SW1A 2DY
Email: FOI@businessandtrade.gov.uk

Please remember to quote the reference number above in any future communications.

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

Yours sincerely,

Department for Business and Trade