

Thank you for your request for information under the Freedom of Information Act 2000. You asked:

1) *To confirm whether the National Gallery holds a current corporate partnership, sponsorship or similar agreement with Royal Dutch Shell. If the answer is no, please confirm whether the gallery has any current plans to form a new partnership with Royal Dutch Shell.*

2) *If the National Gallery is no longer in contract with Royal Dutch Shell, please provide copies of its correspondence with the company where the decision to conclude its partnership with the gallery is discussed, agreed and confirmed. If this matter was discussed internally, please provide copies of relevant internal emails as well as details of related meetings, copies of agendas and meeting notes.*

Or

*If the National Gallery remains in contract with Royal Dutch Shell or has plans to agree a new sponsorship agreement or corporate partnership, please provide copies of relevant correspondence where this has been proposed, discussed or agreed.*

3) *Copies of contracts for Royal Dutch Shell's last two corporate partnerships agreed with the National Gallery, along with any accompanying correspondence where revisions to, or approvals of, the contracts were discussed.*

4) *Details and copies of any due diligence processes that were undertaken in the last 5 years in relation to Shell's corporate partnership(s) with, or sponsorship of, the National Gallery. This should include any due diligence reports created or documentation and minutes of discussions undertaken within relevant staff teams, committees or Board Meetings that could be understood to form part of a broader due diligence process.*

I will now respond to your four points in turn.

1. The National Gallery does not hold a corporate partnership, sponsorship or similar agreement with Royal Dutch Shell. The National Gallery does not have any current plans to form a new partnership Royal Dutch Shell.

2. I can confirm that the Gallery holds information relating to the decision to conclude the partnership between Royal Dutch Shell and the National Gallery. Correspondence in relation to point no.2 is attached to this email. The release shows arrangements being made for a meeting at which the decision to conclude the partnership was communicated to the Gallery. A second email records the official communication from Royal Dutch Shell. I have confirmed with my colleagues that no further information is held by the Gallery. Wherever they occur in the released documentation, individual names, contact details and job titles of Shell employees have been redacted. I believe that this information is personal data. Section 40(2) of the Act states that any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is not the data subject, and its disclosure would contravene any of the data protection principles. I have concluded that the withheld information constitutes personal data and that its release would result in a contravention of the first data protection principle as given in the Data Protection Act 1998. Section 40(2) confers an absolute exemption on the requested information.

3. I can confirm that the Gallery holds information relating to the contracts with Royal Dutch Shell, namely contracts for 2016/17 and 2017/18 and correspondence relating to the 2016/17 contract. I have concluded that the release of this information would harm the commercial interests of the National Gallery and that, therefore, a section 43(2) exemption is engaged. Section 43(2) of the Freedom of Information Act states that information is exempt information if its disclosure under this Act would prejudice the commercial interests of any person (including the public authority holding it). The Gallery is actively competing with other museums and galleries to design and deliver a competitive corporate membership scheme. As a result, we only publicly share a very top level overview of what the corporate membership scheme entails, in line with the approach taken by our peers. To release the contracts and correspondence would prejudice the Gallery as we would be sharing the fine detail of how the Gallery structures its offer, publicising details which are not in the public domain and which could then be adopted by others making the Gallery a less attractive option for potential corporate supporters. In reaching this conclusion I have been mindful of the fact that although the contracts have expired they were recently active and their general format is similar to currently active contracts and will be similar to future contracts with other partners. However, I have also noted that many of our contracts with corporate members contain clauses that have been negotiated on a case-by-case basis, and that this is the case with the Royal Dutch Shell contracts. The negotiations are evidenced through the withheld correspondence. I have concluded that the release of the contracts and correspondence would be likely to harm the Gallery's commercial interests as the Gallery enters into negotiations with other potential corporate members. Negotiations of this type are currently ongoing and similar negotiations will occur in the future.

Section 43(2) is subject to a public interest test and I have sought to balance the above points with those in favour of releasing the contracts and correspondence. The Gallery acknowledges the importance of allowing public scrutiny into which companies it engages with as part of the corporate membership scheme. To this end, the Gallery publishes a list of its current corporate members (<https://www.nationalgallery.org.uk/support-us/corporate-support/list-of-corporate-members>). Although Royal Dutch Shell no longer appears on the list of corporate members it has done in the past. I have concluded that, in this instance, the public interest is best served by ensuring that the Gallery offers a competitive membership package and that the Gallery can negotiate the best possible agreement with corporate members. In doing so, the Gallery is able to continue to maintain an important revenue stream which is of benefit to the public at large.

4. I can confirm that the Gallery holds some information that was compiled as part of due diligence activities undertaken in the last five years in relation to Royal Dutch Shell's corporate partnership. Documentation in relation to point no.4 is attached to this email titled 'F464 response to point 4'.

If you are unhappy with the way the National Gallery has handled your request you may ask for an internal review, by writing to: Susan Foister, Deputy Director, The National Gallery, Trafalgar Square, London, WC2N 5DN. We would ask that you submit your request for an internal review within two months of the date of this response.

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.

If you have any queries about this email, please do not hesitate to contact me.