



Foreign &
Commonwealth
Office

Corporate Section
UK Representation to the EU
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Website: <https://www.gov.uk>

Vicky Cann
20 August 2018
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Dear Ms Cann,

Your Freedom Of Information Request: 0536-18

Thank you again for your request for information which we received on 8 May 2018. In your request you asked;

"Could I request a list of the lobby meetings (with representatives of companies, organisations and other stakeholders) held by the Permanent Representative and his Deputy in the past 6 months? As before, I would like to request a list of these meetings: who was present at the meeting, including the names of organisations/ lobbyists present, as well as the date of the meeting, and the subject matter discussed".

We wrote to you on 7 June to confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request but that we were considering several specific exemptions in relation to your request, including Section 27: (international relations). We wrote again on 3 July and 1 August to say that we estimated that it would take an additional 20 days to take a decision on where the balance of the public interest lies.

In taking forward your request, we have considered meetings with the following to be within scope and undertook our search accordingly: all private sector organisations, including individual companies, consultancies and law firms; all trade, business and professional associations; NGOs; think tanks, research organisations and academic institutions; religious organisations.

We have considered the following to be outside the scope of your request: other members of the UK and other governments; individuals from the EU institutions including MEPs; and UK parliamentarians.

We have considered the time frame for the request to be the six months immediately preceding the date we received your request i.e. from 8 November 2017 to 8 May 2018.

We have now reached a decision that the information you have requested is indeed exempt under Section 36(2)(b)(i) and (ii) of the FOIA (prejudice to the effective conduct of public affairs) and Section 27 (c) and (d) (international relations). We also consider some of the information is exempt from release under Section 40 of the FOIA (personal information). However, we can confirm that the Permanent Representative and Deputy Permanent Representative meet regularly with a range of stakeholders, including but not limited to, industry associations, business people, trade unions, journalists, think tankers, academics and so on in the normal pursuance of their duties as is the usual practice for the head of any FCO mission and other senior diplomats overseas.

Section 36

Section 36 is a qualified exemption subject to the public interest test. Whilst we recognise that there is a general public interest in transparency, it is the opinion of an FCO Minister that disclosing this information would be likely to inhibit the free and frank provision of advice and a candid exchange of views for the purposes of deliberation. This is because it risks constraining future activity by the UK Permanent Representation (UKREP).

The EU is a complex organisation and one of the most lobbied in the world; UKREP needs to be able to understand the perspective of those stakeholders, and indeed influence their views and activities, in order to inform and deliver UK objectives in Europe. Reluctance on the part of UKREP to give or seek advice, or to feel able to engage in candid exchanges of views with external stakeholders, would result in less informed and therefore less effective policy making.

Furthermore, it is our considered view that the net effect of disclosing information about who UKREP meets would be to narrow the field of stakeholders with which we could engage. Some of the meetings that UKREP have are on sensitive subjects and with organisations – including civil society groups – that have sensitive relationships with some third countries. If such organisations see that we are releasing information about who we are meeting, we believe this could dissuade them from approaching UKREP in future. This would narrow the evidence base that UKREP officials have to provide to colleagues in London and Ministers on policy formation. And it might mean that we would get a disproportionate input from certain organisations that are less concerned about their engagement becoming public. For these reasons, we consider that the public interest in maintaining this exemption outweighs the arguments in favour of disclosure.

Section 27

Section 27(1)(c) and (d) of the FOIA recognises the need to protect information that would be likely to prejudice the interests of the UK abroad and the protection and promotion of these interests. The UK's exit from the EU is complex and in the current stage of negotiations we should not disclose information that would be likely to harm the negotiations or the UK's policy or strategic positioning. A list of meetings and topics could lead to speculation about strategy and distract from the process of the negotiations. In determining the public interest, our view is that these considerations outweigh the potential value of public knowledge of the fact that the meetings in question have taken place.

Section 40

Some of the information you have requested – specifically names of individuals - is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances Sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, Section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply. However, I can confirm that had we not applied the Section 36 exemption, then we would have disclosed the names of the organisations but would have exempted from disclosure the names of the individuals met from those organisations.

If you would like to request a review of our decision, or if you wish to make a complaint, please write to the Central FOI Unit at Room WH2.177, King Charles Street, London SW1A

2AH, or by e-mail to foi-dpa.pmcs@fco.gov.uk. Please note that you have 40 working days from the date of this letter in which to submit a request for an internal review.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the FCO. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Please contact me if you have any queries about this letter.

Yours sincerely,

Corporate Section, UKRep



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