



Home Office

Guidance on the Foreign Influence Registration Scheme (FIRS)

Government Consultation

This consultation begins on **Friday 8 September 2023**

This consultation ends on **Friday 1 December 2023**

About this consultation

To: This consultation is open to the public.

The Government is particularly interested to hear from those who anticipating being required to register with the Foreign Influence Registration Scheme, including those in Industry and Research as well the general public.

Duration: From 8 September to 1 December 2023

Enquiries to: Foreign Influence Registration Scheme Consultation
Homeland Security Group
Home Office
5th Floor, Peel Building
2 Marsham Street
London
SW1P 4DF

NationalSecurityConsultations@homeoffice.gov.uk

How to respond: Please provide your response by 17:00 on 1 December 2023 at:

<https://www.homeofficesurveys.homeoffice.gov.uk/s/I5R6WV/>

If you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email or post it to the above contact details.

Please also contact the above details if you require information in any other format, such as Braille, audio or another language.

We may not be able to analyse responses not submitted in these provided formats.

Response paper: A response to this consultation exercise will be published in due course at <https://www.gov.uk/government/consultations/foreign-influence-registration-scheme-draft-guidance>

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Introduction

The Foreign Influence Registration Scheme (FIRS) is an upcoming two-tier scheme designed to provide greater transparency about the influence of foreign powers in UK politics and provide greater assurance around the activities of specified foreign powers or entities.

The scheme is contained within Part 4 of the National Security Act 2023, which received Royal Assent on 11 July 2023. The Home Office will be publishing guidance and establishing a Scheme Management Unit (SMU) ahead of the requirements being brought into force.

The political influence tier of FIRS will require individuals or entities to register where they are directed by a foreign power to carry out, or arrange for others to carry out, political influence activities in the UK.

The enhanced tier will require individuals or entities to register where they act at the direction of certain specified foreign powers or foreign power-controlled entities which pose a risk to UK safety and interests. It will also require specified entities to register their own activities in the UK.

The UK continues to welcome open and transparent engagement from foreign governments. Those who comply with the future registration requirements under the scheme by being clear and open about whom they represent, will support the resilience of the UK and its institutions in the face of state threats.

Purpose of this consultation

Ahead of the FIRS scheme being brought into force, the Home Office will be publishing detailed guidance to assist potential registrants and others in understanding their responsibilities under the scheme. A draft of this guidance has been produced and the Home Office is seeking feedback on this as part of this consultation.

The Government will also be setting out in regulations the categories of registered information that will be published under the scheme, the period of retention of information on the public register and the circumstances where information provided as part of registration may be exempt from publication. This consultation also seeks to inform the development of these regulations.

Consultation Proposal - Guidance

The Government has provided detailed draft guidance on the scheme's requirements as part of this consultation.

Given that the scheme will impact on individuals as well as businesses and industry, this draft guidance aims to enable an individual or entity to understand the circumstances in which registration is required. For each tier of FIRS, it sets out four conditions which, if met, trigger a registration requirement. It has been drafted in a way which aims to enable potential registrants to perform a "tick-box exercise" on the four conditions to determine if they need to register. It also provides guidance on the key terms related to the scheme (e.g. "political influence activity") and provides examples to assist understanding.

The guidance also contains information on the circumstances which constitute a "material change" in which information registered under the scheme must be updated, the use of information notices and details on the public register.

The guidance will be reviewed following feedback received from the consultation. Further sections will be included after regulations have been approved by Parliament, including details of the foreign powers and entities that will be specified under the enhanced tier.

The Home Office has also established consultation panels, composed of representatives from specific industries, to support the development of sector-specific guidance to go alongside the general guidance published as part of this consultation.

A final version of the guidance will be published ahead of the scheme's requirements coming into force.

Questions for consultees:

- 1) Does the drafting of the four conditions on pages 4 and 22 of the guidance help you understand the circumstances in which registration is required?
- 2) Does the drafting of the definition of "direction" in paragraphs 22-29 (political influence tier) and paragraphs 61-64 (enhanced tier) assist you in understanding the scope of registration requirements?
- 3) Are there any scenarios in which you are not clear whether registration will be required?
- 4) Does the guidance help you understand how the exemptions apply to the scheme?
- 5) Does the guidance assist you in understanding the circumstances which constitute a "material change", in which information registered under the scheme will need to be updated?
- 6) How could the guidance further enhance your understanding of the scheme?

Consultation Proposal – Registration and publication of information

A person who makes a registration under the scheme is required to provide certain information as part of the registration process. This will include information about the activities which they, or other parties, undertake at the direction of a foreign power or specified entity, and the nature of that arrangement.

Some information that is registered under the scheme will be available to the public in the form of a register. The resilience and transparency benefits of the scheme are amplified if both the Government and the general public have visibility of information that has been registered. A published register will enable members of the public or organisations to identify the interests underpinning activity which might be targeted at them, ensuring that they are able to make an informed decision about how to engage with that activity.

However, the Government intends to limit publication to the information that is necessary to achieve the transparency aims of the scheme, recognising genuine requirements for privacy, particularly around personal data.

Information that will be published will include the name of the registrant, the name of the foreign power for whom activities are carried out, details of the start and end dates of the activities, details of the persons who will carry out the activities and details of the nature and purpose of the activity and the outcomes sought. Other personal details related to individuals, such as date of birth and address, will be withheld from publication. Publishing an individual's name is important to ensure that the scheme achieves its transparency benefits.

Draft indicative regulations on the [information required at registration](#) and the [information that will be published](#) under the scheme were published by the Government during the passage of the National Security Bill. These draft regulations indicate that information will be published under the political influence tier. This consultation will support the revision of these regulations ahead of the scheme coming into force. The Government will consider whether to publish information under the enhanced tier alongside decisions on the foreign powers and entities that are specified.

Circumstances for exceptions to publication

There are some circumstances in which it may be appropriate to exempt information registered under the scheme from publication. The [draft regulations](#) published during the passage of the Bill set out these proposed circumstances (as outlined below), which will be reviewed following this consultation:

- **Circumstance 1:** where there is a risk that publication would prejudice the national security of the UK;
- **Circumstance 2:** where there is a significant risk that publication would put any individual's safety at risk;

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- **Circumstance 3:** where publication would involve the disclosure of information of a confidential nature that has commercial value that would be reduced if the information was disclosed.

Further guidance on these exceptions is provided below.

Exception 1: Where there is a risk that publication would prejudice the national security of the UK

The regulations will intentionally not set out the circumstances in which the UK's national security is, or may be, considered at risk. This reflects longstanding Government policy to ensure that national security powers are sufficiently flexible to protect the nation. However, examples of situations where this exception may apply are as follows:

- Where publication would reveal details of sensitive communications involving the UK Government (for example, on defence-related issues);
- Where publication could assist a foreign power or entity specified under the enhanced tier of FIRS;
- Where publication would present a risk to UK infrastructure or Government assets.

Where registrants request this exception, they should provide supporting evidence for this request, and where appropriate, specify what information within their registration should not be published on the register.

Exception 2: where there is a significant risk that publication would put any individual's safety at risk

Where there is a significant risk that publication of a registration could place an individual's safety at risk an exception will be available.

Where registrants request the exception, they should provide supporting evidence. The SMU will then assess this evidence against the below criteria:

- a) A negative consequence to a named individual's safety is identified as a result of the publication;
- b) This negative consequence is significant;
- c) The evidence shows how the publication would cause the negative consequence(s); and
- d) There is a significant risk of the negative consequences happening, even if the requestor cannot say it is more likely than not.

Examples of situations where this exception may apply are as follows:

- Where publication would present a risk to an individual's life;
- Where publication would present a risk to an individual's physical health (for example, a risk that they may sustain a serious injury);
- Where publication would present a serious risk to an individual's mental or emotional health (for example, a risk that they may suffer harassment or stalking).

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Exception 3: where publication would involve the disclosure of information of a confidential nature that has commercial value that would be reduced if the information was disclosed.

For certain registrations, information which is considered commercially sensitive may need to be disclosed to meet the registration requirements. Where this is the case, registrants will be able to request an exception from publication.

For the purpose of FIRS, we propose the following definition of commercially sensitive information:

“Information of a confidential nature that has commercial value that would be reduced if the information was disclosed, either through significant detriment to the parties, or through exposure of sensitive information that relate to a company’s operations, expenditure or employees.”

Examples of types of information that could be considered commercially sensitive include:

- capital expenditure and operating expenses;
- pending mergers and acquisitions; and
- trade secrets, patents and other intellectual property.

Where registrants request the exception, they should clearly indicate at the time information is submitted what information in the application they consider to be commercially sensitive. The SMU will then consider this exception request according to the below criteria:

- a) A negative consequence to an entity or individual(s) is identified as a result of the publication;
- b) This negative consequence must be significant;
- c) The evidence shows how the publication would cause the negative consequence(s); and
- d) There must be a significant risk of the negative consequences happening, even if the requestor cannot say it is more likely than not.

A justification that publication will be detrimental to a registrant or other party, for example reputationally, on a commercial basis will not usually, in and of itself, be considered a sufficient justification for exempting information from publication. This is on the basis that the Government considers that it is within the public interest to make transparent registerable activity under the scheme.

Process for requesting an exception to publication

Where registrants believe that a relevant exception applies, they will need to:

- clearly indicate at the time of registration the information which meets one (or more) of the criteria for exception to publication; and
- provide supporting evidence to demonstrate how the request meets the circumstances for exception to publication.

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It will be possible to indicate that more than one exception to publication should apply.

Whether or not the requested exception applies to an individual registration will then be assessed on a case-by-case basis by the SMU. The SMU will determine the specific information that should be redacted from publication, having assessed the supporting evidence provided by the registrant.

This assessment will always occur where a person has specifically indicated that they believe there is information contained within their registration that should be exempted from publication.

There may be circumstances where the SMU undertakes an additional assessment to consider exceptions to publication which have not been requested by the registrant, such as where a risk to national security has been identified by the SMU. Where appropriate, the SMU may contact a registrant to discuss the registration and will inform registrants that partial or full redactions have been made to their registration.

Where exceptions to publication are approved by the SMU, the relevant information will be redacted from the registration. There may be circumstances where it is more appropriate to redact the registration in full.

Where exceptions to publication are not approved by the SMU, registrants will be informed prior to publication of the registration that the SMU have not accepted the request. The Government intends to enable registrants to have the ability to appeal the decision where they have reasonable grounds to do so, which will trigger an internal appeal process.

Information relating to third parties

Given the requirements of the scheme, there may be circumstances where registrants will provide information relating to one or more third parties. It is the responsibility of the registrant to ensure that the information provided to the scheme is accurate and identify whether or not they believe an exception may apply to any part of their registration. Prospective registrants are encouraged to conduct the appropriate due diligence with any third parties to ensure that information is as accurate as possible and reflects the scheme's requirements at the point at which they register. The Government intends to require registrants to agree to a statement, confirming that, to the best of their knowledge, the data provided is accurate and true.

Retention of information on the public register

The Government intends that information will remain on the public register for ten years after the stated end date of an arrangement.

The Government is aware that foreign powers who wish to exert influence over UK politics are not afraid to “play the long game”, by nurturing relationships and extending their reach in UK society over significant periods. Retaining information on the public register over a period of ten years will enable the public to be able to view how trends and patterns of foreign influence evolve over time. The Government intends for the

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portal to enable users to filter according to foreign power, to understand how a particular foreign power has sought to exert influence over time. A retention period of shorter than ten years is unlikely to provide sufficient transparency over the patterns that have evolved over time.

Where a registrant does not provide an end date for an arrangement, the information will remain on the public register indefinitely. In these circumstances, periodic communications may be sent to the registrant reminding them that they have an extant registration. If an end date is subsequently provided, then the information provided at registration will be retained for ten years following that end date.

The Government intends that users of the public register will have the option to tailor their searches so that they can only view arrangements which are still ongoing, arrangements which were ongoing over a particular period, or defunct arrangements which ended within the past ten years. It is also the intention that they will also have the option to view the full register of all ongoing and defunct arrangements. This will ensure that the public register achieves its transparency benefits, by enabling the public to view trends and patterns in foreign influence over time.

This consultation seeks to gather views and evidence from the public as to whether the above proposal for retention of information on the public register enables sufficient transparency of foreign influence over time. The Government is open to views as to whether a more nuanced policy is more appropriate; for example, in the case of an individual registering multiple arrangements, retaining information until ten years after the end date of the last of those arrangements. This will enable the public to have visibility of how influence exerted through a particular registrant evolves over time.

Exemptions from registration

The scheme includes a number of exemptions from registration. These include exemptions for foreign powers, individuals to whom privileges and immunities apply under the Vienna Convention on Diplomatic and Consular Relations, lawyers providing legal services and those acting pursuant to an arrangement to which the UK is party. The political influence tier also contains an exemption for recognised news publishers, and the enhanced tier contains an exemption for those providing services which are reasonably necessary to support the functioning of a diplomatic mission. The Secretary of State has the power to add further exemptions through regulations. The government intends to only use this power where necessary, so as to not introduce loopholes which could enable foreign powers to channel covert political influence or other state threats activity through exempted persons or entities.

Questions for consultees:

- 7) Are the proposed exceptions from publication sufficiently clear?
- 8) Do you anticipate any issues or challenges with the proposed model for considering and approving exceptions to publication? If so, how do you think the model could be improved?

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- 9)** Are there any kinds of information that will be registered under the scheme that will not be covered by the exceptions to publication, but you would still consider to be damaging if disclosed?
- 10)** Are there any other circumstances where you think that information should not be published?
- 11)** Are there any circumstances where you think that information should be retained on the public register for a shorter or longer period than 10 years?
- 12)** Do you think that the exemptions from registration are appropriate? Are there other exemptions that you think should be included or excluded?

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Contact details and how to respond

Please respond using the online system available at:

<https://www.homeofficesurveys.homeoffice.gov.uk/s/I5R6WV/>

Please submit your response by Friday 1 September 2023 at 17:00

If you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form at annex A and email it or post it to:

FIRS Consultation

Homeland Security Group
Home Office
5th Floor, Peel Building
2 Marsham Street
LONDON SW1P 4DF

Email: NationalSecurityConsultations@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office using the e-mail address above or the address under 'Contact details and how to respond'.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at <https://www.gov.uk/government/consultations/foreign-influence-registration-scheme-draft-guidance>

Alternative format versions of this publication can be requested from:

NationalSecurityConsultations@homeoffice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published in due course at

<https://www.gov.uk/government/consultations/foreign-influence-registration-scheme-draft-guidance>

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want the

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information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office. The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Annex A - Consultation response form

About you

Please use this section to tell us about yourself.

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Company name/organisation (if applicable)	
Contact details 1) Email address OR 2) Main address including postcode	
If you would like to remain anonymous, please tick this box <input type="checkbox"/>	

Responses

Q1) Does the drafting of the four conditions on pages 4 and 22 of the guidance help you understand the circumstances in which registration is required?

Q2) Does the drafting of the definition of “direction” in paragraphs 22-29 (political influence tier) and paragraphs 61-64 (enhanced tier) assist you in understanding the scope of registration requirements?

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Q3) Are there any scenarios in which you are not clear whether registration will be required?

Q4) Does the guidance help you understand how the exemptions apply to the scheme?

Q5) Does the guidance assist you in understanding the circumstances which constitute a “material change”, in which information registered under the scheme will need to be updated?

Q6) How could the guidance further enhance your understanding of the scheme?

Q7) Are the proposed exceptions from publication sufficiently clear?

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Q8) Do you anticipate any issues or challenges with the proposed model for considering and approving exceptions to publication? If so, how do you think the model could be improved?

Q9) Are there any kinds of information that will be registered under the scheme that will not be covered by the exceptions but you would still consider to be damaging if disclosed?

Q10) Are there any other circumstances where you think that information should not be published?

Q11) Are there any circumstances where you think that information should be retained on the public register for a shorter or longer period than 10 years?

Q12) Do you think that the exemptions from registration are appropriate? Are there any other exemptions that you think should be included or excluded?