



Foreign &
Commonwealth
Office

Africa Directorate
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

Email: FOI-DPA.IMD@fco.gov.uk
Website: www.gov.uk/fco

04 September 2014

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0617-14

Thank you for your email of 19 June 2014 asking for information relating to Shell in respect of the OPL 245 oil field deal. Your request falls into two parts:

A. Meetings held between FCO and Shell in respect of the OPL 245 oil field deal:

- 1. The dates of all meetings held since 1st April 2013 between the Foreign Secretary and/or Ministers and/or Special Parliamentary Advisors and/or departmental staff with company employees and/or consultants and/or other representatives of Shell to discuss the sale of the OPL 245 oil field to Shell and Eni.*
- 2. A list of all attendees at the above meetings*
- 3. All notes and/or minutes of the above meetings*
- 4. All correspondence relating to the above meetings*
- 5. The minutes of any meetings held to follow up on the issues raised at the above meetings*

B. Search of FCO electronic data and records management system

Please send the names and brief details (such as dates, folder where located, directorate/unit where created etc - as appropriate) of all electronic documents that you hold on your departmental electronic data and records management system, created since 1 April 2013, and which contain:

- a) The phrase "OPL 245"*
- b) The word "Adoke"*
- c) The word "Adoke" AND "OPL 245"*
- d) The word "Adoke" AND "money laundering"*
- e) The word "Shell" AND "Adoke"*
- f) The word "Shell" AND "OPL 245"*
- g) The words "Resolution Agreement" AND "Shell"*
- h) The words "Resolution Agreement" AND "Adoke"*
- i) The words "Resolution Agreement" AND "OPL 245"*
- j) The word "Malabu" AND "Adoke" OR "Eni" OR "Shell"*

I am writing to confirm that we have now completed the search for the information which you requested.

PART A:

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to Part A of your request.

Please find attached the information that the FCO can release to you. This is the full information we hold on the meeting with Shell where OPL 245 was discussed and on the subsequent meeting the information fed into. We have searched for information regarding the suggested follow-up meeting between Shell and officials mentioned in the released documents and can find no record of any meeting having taken place.

We have applied the following exemptions:

1. Some of the information you have requested (including lists of attendees at meetings) is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances **section 40(2) and (3)** of the Freedom of Information Act (FOIA) 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.

2. We also considered the application of **section 31**, law enforcement. After applying the public interest test we found in favour of release.
3. Some of the information you requested is exempt under **section 35(1)(a)** – formulation of government policy. This section is statutory recognition of the public interest in allowing Government to have a clear space, immune from exposure to public view, in which it can debate matters internally with candour and free from the pressures of public political debate.

In this case, there is a general public interest in being able to understand better the way in which Government works and how or why decisions in the area of foreign relations are reached. It is also in the public interest to release information about the process by which policy decisions were made in order to demonstrate that advice was sought from the appropriate quarters and that the final policy direction was developed on a sound basis.

However, this section of the Act provides statutory recognition of the need for a clear space for Ministers, officials and providers of expert advice to debate matters internally and conduct robust risk assessments with complete candour, free from the pressures of public political debate in order to produce realistic and properly considered policies which last in the long-term. Specific factors in favour of withholding this information are the fact that it relates to the formulation and development of Government policy in respect of encouraging reform to the governance of the Nigerian petroleum industry. There is a risk that officials' candour in considering the available options would be affected by their assessment of whether the content of such discussions will be disclosed in the near future or that particularly sensitive exchanges of views would not be recorded for the written record. For these reasons, the public interest in withholding this information outweighs the public interest in disclosing it.

4. Section 27 of the FOIA recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states if it was disclosed. In this case, the release of information could harm our relations with Nigeria and we have exempted this under **section 27(1)(a) and (d)**.

The application of sections 27(1)(a) and (d) requires us to consider the public interest test arguments in favour of releasing and withholding the information. We acknowledge that releasing information on this issue would increase public knowledge about our relations with Nigeria. Section 27(1)(a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. Section 27 (1)(d) recognises that if the United Kingdom does not respect such confidences, its ability to protect and promote UK interests through international relations will be prejudiced. In this case, as a result of release Nigeria may be more reluctant to share sensitive information with the United Kingdom Government in future, to the detriment of UK interests.

For these reasons, we consider the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

In keeping with the spirit and effect of the FOIA, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by the FCO will have been produced by government officials and will be protected by Crown Copyright. You can find details on the arrangement for re-using Crown Copyright information on the [TNA](#) website.

Information you receive which is not subject to Crown Copyright continues to be protected by the copyright of the person, or organisation, from which the information originated. You must ensure that you gain their permission before reproducing any third party (non-Crown Copyright) information.

PART B:

I cannot comply with the instructions in Part B of your request as these do not constitute a valid request for information.

Your letter is not a proper request for information within the meaning of Section 8(1)(c) of the FOIA. This is because your request does not describe the information requested. Instead it lays down a methodology for conducting a search. An account of a search method is not a description of the information that may or may not be found by carrying out the search.

If you wish, you may submit a valid request by describing the information you seek. You may find it helpful to consult the Information Commissioner's guidelines before doing so. These may be read here:

http://www.ico.gov.uk/for_the_public/official_information/how_access.aspx

Broadly speaking, however, it will satisfy the conditions of Section 8(1)(c) if you can state the subject matter in clear terms and can relate it to a definite context such as a particular policy or region or a notable event or initiative. It may also be helpful if you can confine your request to information created in a relatively short period, as it means that a search for the information is less likely to exceed the cost limits. You should bear in mind that even if FCO does hold any information, it may be subject to one or more of the exemptions contained in the FOIA.

Yours sincerely,

Assistant Desk Officer
Africa Directorate



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.