



Foreign &
Commonwealth
Office

East & West Africa Department
Foreign and Commonwealth Office
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06 May 2016

**Environmental Information Regulations EIR 005-16 and Freedom of Information
Request FOI 0403-16**

Thank you for your email of 15 March asking for information under the Environmental Information Regulations 2004 (EIR). You asked for:

STARTS

This is a request for information made under the Environmental Information Regulations (EIRs) for information relating to meetings between the British High Commission in Nigeria and representatives of various organisations.

For the period 2010-2011

1. *Any documentation from meetings/correspondence between UKTI Nigeria Director Peter Stephenson and his office, and the following:*
 - a. *Shell and its subsidiaries*
 - b. *Representatives of the NNPC and Oil Ministry*
 - c. *Representatives of Aiteo*

For the period 2011 – 1 March 2015

2. *Any documentation from meetings/correspondence between the High Commission and*
 - a. *Peter Stephenson*
 - b. *Any representatives of Aiteo (or Aiteo Eastern)*

ENDS

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

I can confirm that at the time of the receipt of your request the Foreign and Commonwealth Office (FCO) does hold information within the scope of your request. We do not hold any information within the scope of part 1 of your request. Five documents (numbered 1-5) are relevant to part 2a of your request and one document (number 6) falls within scope of part 2b.

As requested we have considered your request under the Environmental Information Regulations (EIRs). However, as the information we have found in our search does not contain environmental information and, therefore, the Regulations are not engaged. We have considered your request under the Freedom of Information Act (FOIA) and are releasing information under this.

We have provided the information in its original form. We are withholding some of the information in the attached documents because it falls under relevant exemptions under the FOIA. Most of the information that has been withheld falls under FOIA Section 40 (Personal Information). Where other exemptions have been engaged this has been marked on the documents.

FOIA Section 40 (2) and (3) Personal Information

Some information has been withheld under FOIA section 40 – personal information. Some of the information you have requested 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 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.

FOIA Section 43 (2) Commercial Interests

Some of the information you have requested is being withheld under Section 43(2) of the FOIA. Section 43(2) exempts from disclosure information whose disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

In applying section 43 we have balanced the public interest in withholding the information against the public interest in disclosing it.

The use of this exemption was carefully considered. The factors in favour of disclosure of this information, including the general public interest in greater transparency and accountability, were carefully weighed against the need to allow business-people and commercial organisations the space to conduct their lawful business competitively and without fear of disclosure of sensitive commercial information. We consider that in this case transparency also poses risks to the protection of commercially confidential information.

Failure to protect such commercially sensitive information would limit the sources of information and interlocutors available to the FCO and limit the FCO's ability to promote the British economy and lobby for the interests of British businesses overseas. In this case after such consideration we believe that the public interest in withholding the redacted information outweighs the public interest in its release.

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

As your request refers to UKTI you may wish to submit your request to the Department of Business, Innovation and Skills who may hold information relevant to this request.

Yours sincerely,

East & West Africa Department



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.