



Foreign &
Commonwealth
Office

Central & Southern Africa Department
Foreign and Commonwealth Office
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19 January 2018

FREEDOM OF INFORMATION ACT 2000 REQUEST REF 0870-17

Thank you for your email of 15th September 2017 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

“Any correspondence between the FCO and the British High Commission in South Africa relating to Bell Pottinger, since January 2016.”

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

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

Please find the attached the information the FCO can release to you. Some of the information you have requested has been withheld using Sections 27, 35 and 40.

Section 27(1)(a) 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 relating to comments and discussions with and relating to the South African political system could harm our relations with the South African Government.

The application of s.27(1)(a) 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 South Africa. However, s.27 (1) (a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. If the United Kingdom does not maintain this trust and confidence, its ability to protect and promote UK interests through international relations will be hampered, which will not be in the public interest. The disclosure of information detailing our relationship with the South African Government could potentially damage the bilateral relationship between the UK and South

Africa. This would reduce the UK government's ability to protect and promote UK interests through its relations with South Africa which would not be in the public interest. For these reasons we consider that, the public interest in maintaining this exemption outweighs the public interest in disclosing it.

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. Government officials need to be able to expose the merits and de-merits of all the policy options as appropriate. There is a risk that officials' candour in considering the drawbacks of various 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.

Some of the withheld information is personal data relating to third parties. It is our view that disclosure of this information would breach the first data protection principle, which states that personal data should be processed fairly and lawfully. Section 40(2) and (3) of the Freedom of Information Act therefore apply. It is the fairness aspect of this principle which we think would be breached by disclosure in this case. In such circumstances section 40 confers an absolute exemption on disclosure. We do not therefore have to apply the public interest test.

Yours sincerely,

Central & Southern Africa Department

