



Foreign &
Commonwealth
Office

Europe Directorate
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13 October 2017

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0664-17

Thank you for your email of 12 July asking for information under the Freedom of Information Act (FOIA) 2000.

You requested:

All communications, if any, between the UK Embassy in Germany (or the FCO in London) and the Scottish Government regarding the visit of devolved Scottish minister Keith Brown to Germany in March 2017.

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. I attach copies of the information that the FCO is releasing to you. A number of redactions have been made under the FOIA. I set out below our reasoning in applying these exemptions.

The information you have requested includes significant amounts of 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.

Some of the information is being withheld under section 27 (1) (a) of the FOIA. Section 27 (1) (a) provides that information is exempt if its disclosure would or would be likely to prejudice the relations between the United Kingdom and any other state, the interests of the UK abroad, or the promotion or protection by the United Kingdom of its interests abroad. In this case, the release of this information could have detrimental effects on our bilateral relationship with Germany.

In applying section 27, we have had to balance the public interest in withholding the information against the public interest in disclosing it. We acknowledge that releasing information on this issue would increase public knowledge about our relations with Germany, as well as respecting the strong public interest in transparency and accountability. However, factors against disclosure include the strong public interest in ensuring that the FCO is able to conduct the UK's international relations effectively and protect UK interests abroad. Section 27 (1) (a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. The breaching of such trust is not in the public interest. The disclosure of information in this correspondence detailing aspects of the relationship between the UK and Germany could potentially damage the bilateral relationship between the two. For these reasons, we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Yours sincerely,

Europe 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.