



Foreign &
Commonwealth
Office

Knowledge Management Dept
Foreign and Commonwealth Office
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FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0156-15, 0158-15 and 0159-15

Thank you for your email of 13 February 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Could you please send me copies of all correspondence and records of all oral conversations between the FCO and Tony Blair/any of his representatives between Oct 4 2011 and today.

Please restrict your searches to a communications between Mr Blair/his representatives and the following sections of the FCO:

Ministerial offices

The information management department

The press office

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 attached the information that the FCO can release to you. Some information has been withheld under Sections 27, 35, 36, 38, 40, 41 and 43 of the FOIA.

Section 27 (International Relations)

Section 27 (1) (a), (c) and (d) provide that information is exempt if its disclosure would be likely to prejudice international relations or the interests of the United Kingdom abroad.

In applying section 27, we have had to balance the public interest in withholding the information against the public interest in disclosing it. Factors in favour of disclosure include the strong public interest in transparency and accountability. Disclosure would also increase public knowledge of international relations. 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. The effective conduct of international relations

depends upon maintaining trust and confidence between governments and international organisations. If the UK 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. This could reduce the UK Government's ability to protect and promote UK interests abroad 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 disclosure.

Section 35 (Formulation or development of government policy)

Some of the information you requested is exempt under Section 35(1)(a) of the Act which also requires the application of a public interest test. It is recognised that there is public interest in greater transparency in the decision making process to ensure accountability within public authorities. However, officials need to be able to conduct rigorous and candid risk assessments of their policies and programmes, including considerations of pros and cons, without there being a risk of premature disclosure which might close off better options or inhibit the free and frank discussion of all policy options. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Section 36 (Prejudice to the Conduct of Public Affairs)

Some of the information is exempt under section 36(2)(b) (i), (ii) and (2) (c) of the Act. It is the view of a Minister of the Crown that disclosure of this information would be likely to make officials more circumspect about seeking and offering advice and would thus inhibit the candour of future exchanges of views within government and would prejudice the conduct of public affairs. We recognise that there is a general public interest in ensuring transparency in the decision making process. However, the Act recognises the strong public interest in protecting the safe space that Ministers, advisers and officials have to freely consider and discuss options to ensure that all aspects of policy are given full and proper consideration. This process is likely to be inhibited if advisers and officials are concerned that the content of such discussions will be disclosed. Reluctance on their part to give or seek advice, or to feel able to engage in candid exchanges of views, would result in less informed and less effective decision making and would prejudice the conduct of public affairs. For these reasons, we consider that the public interest in maintaining this exemption outweighs the arguments in favour of disclosure.

Section 38 (Health and Safety).

Some of the information requested is exempt under Section 38 (1) (b) because release could endanger individual safety. In applying the public interest test we again took into consideration the factors in favour of disclosure; in this case that releasing the information would demonstrate openness and public accountability regarding security arrangements. However, we consider that disclosure of such information could be used by others in the future to pose a significant risk to the personal safety of those covered by such arrangements. There is a strong public interest in withholding information that could endanger the safety of individuals and, on balance we concluded that the public interest in maintaining this exemption outweighed the public interest in disclosing the information.

Section 40 (Personal Data)

Some of the information 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.

Section 41 (Information Provided in Confidence)

Some of the information falls under section 41 (1) of the FOIA. Section 41 (1) provides that information is exempt where disclosure would constitute an actionable breach of confidence. Section 41 (1) is an absolute exemption for the purposes of the FOIA. In reaching our decision to withhold this information, the FCO has taken into account that there is a public interest defence to an action for breach of confidence. However, we are satisfied that disclosure of the information requested would constitute an actionable breach of confidence and that the FCO could not successfully rely on the defence that an overriding public interest justified breaching its duty of confidence.

Section 43 (Commercial Interests)

Some of the information is exempt under Section 43 (2) of the Act, which relates to commercial interests. The factors in favour of disclosure of this information, ie the public interest in 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. Failure to protect such commercially sensitive information would limit the sources of information and interlocutors available to the FCO and thus limit the FCO's ability to promote the British economy and lobby for the interests of British businesses overseas. In this case we believe that the public interest in withholding the redacted information outweighs the public interest in its release.

Yours sincerely,

Case Manager
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Knowledge Management Dept
Foreign and Commonwealth Office

