



Foreign &
Commonwealth
Office

North America Department
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <http://www.gov.uk>

27 January 2015

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0759-14

Thank you for your email of 5 August asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

'Could I please make a FOI request for any agendas, minutes or other notes relating to or recording the issues discussed at the following meetings between the Ambassador and:

Senator Feinstein on 29 April 2014 and 2 May 2014

Senator Heinrich on 16 July 2014

Senator Rubio on 26 March 2014, 1 February 2013 and 10 April 2013

Senator Chambliss on 20 November 2012

Senator Mark Warner on 11 January 2013

Senator Collins on 16 July 2012 and 25 July 2012

Senator Rockefeller on 28 June 2012'

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.

With regard to meetings between the Ambassador and the senators you list, due to the ad-hoc and often unplanned nature of such meetings, we do not record all interactions. The records we do hold would be exempt under Sections 23 (security bodies), 27(1)(international relations), 35(1) (formulation of government policy), 36(2)(b)(i),(ii) and (c) (effective conduct of public affairs), and 40(2) (personal information). We are therefore unable to provide the information you have requested in this regard.

With regard to any notes or agendas in preparation for the meetings with the senators, we are not able to release these records as they are exempt under sections 23 (security bodies), 27(1)(international relations), 35(1) (formulation of government policy), 36(2)(b)(i),(ii) and (c) (effective conduct of public affairs), and 40(2) (personal information) and Section 43 (commercial interests).

Sections 23(1) (relating to information supplied by, or relating to, bodies dealing with security matters), and 40 (personal information) of the FOIA are absolute exemptions and therefore there is no public interest test to apply.

Section 27(1)(a) applies because disclosure would be likely to prejudice the relationship between the United Kingdom and the United States. The application of section 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 the United States. But section 27(1)(a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between States. The disclosure of information detailing our relationship with the United States could potentially damage the bilateral relationship between the UK and US. This would reduce the UK Government's ability to protect and promote UK interests through its relations with the US, 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 the information.

Some of the information you request is exempt under section 35(1)(a) of the FOIA which also requires the application of a public interest test. It is recognised that there is public interest in the 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 and 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 disclosure.

Some of the information you have requested is also exempt under section 36(2)(b)(i),(ii) and (c) of the FOIA. It is the view of a Minister of the Crown that disclosure of this information would be likely to make officials more circumspect about discussing and giving advice. The disclosure of information in this case could therefore inhibit the candour of future exchanges of views within government

We have carried out a public interest test. We recognise that there is a general public interest in ensuring the transparency of decision making. However, the FOIA recognises the strong public interest in protecting the space that Ministers, advisers and officials have to consider and discuss options to ensure that policy is given full and proper consideration. Disclosing this information would be likely to inhibit the free and frank provision of advice and a candid exchange of views for the purposes of deliberation. For these reasons, we consider that the public interest in maintaining this exemption outweighs the arguments in favour of disclosure.

Additionally, some of the information is exempt under section 43 of the FOIA, which relates to commercial interests. Section 43 is also a qualified exemption, and we have carried out a public interest test. The factors in favour of disclosure of this information, including the general public interest and 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 this transparency also poses risks to the protection of commercially confidential information. In this case after such consideration we believe that the public interest in withholding the redacted information outweighs the public interest in its release.

We are aware of your interest in the report by the US Senate Select Committee on Intelligence which looked at the Central Intelligence Agency's detention and interrogation programme. We recognise there is a public interest in whether the UK was complicit in mistreatment of detainees overseas in the aftermath of the terrorist attacks on 11 September 2001. As such, we can confirm that HMG did not lobby the US, at any level, to have

information removed or redacted in relation to alleged UK involvement in rendition or mistreatment of detainees. The US gave our Agencies limited sight of some sections of the Committee's executive summary before its publication. Our Agencies highlighted a small number of issues in the proposed text where changes would be necessary to protect UK national security and intelligence operations. None of the withheld material provides evidence of UK involvement in detainee mistreatment.

In keeping with the spirit and effect of the Freedom of Information Act, 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 response 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. To re-use Crown Copyright documents please consult the [Open Government Licence v3](#) on the National Archives 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.

Yours sincerely,

North America 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.