



Foreign &
Commonwealth
Office

Asia Pacific Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

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

27 November 2015

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0756-15

Thank you for your email of 27 July, in which you asked for the following information under the Freedom of Information Act (FOIA) 2000, regarding contacts between the Foreign and Commonwealth Office (FCO) and Tony Blair in relation to China:

1. Copies of the policy that governs release by the FCO of sensitive or protectively marked materials to ordinary people, charities and commercial enterprises.
2. Copies of the entire email chain sent by the FCO to Tony Blair or his associates in early December 2014 that includes the words "I can send you recent diptels [diplomatic telegrams]/reporting to cover political and economic situation if that would be helpful?", including the names of the officials at the FCO involved.
3. Copies of all documents that were given to Tony Blair or his associates on or after 1 December 2014.
4. Copies of arrangements for HMG to share in revenue or profits or of the value of risks mitigated, that Tony Blair or his associates may derive, including any charitable revenue, that results directly or indirectly from making information available to Tony Blair or his associates.
5. In what capacity or capacities of his was Tony Blair given the information? Was it that of a private citizen or some other capacity?
6. What constraints were placed on Tony Blair against subsequent disclosure by him of the information? In general, and specifically disclosure to his wife.

I am writing to confirm that we have now completed the search for the information which you requested. I can confirm that the FCO does hold information relevant to your request.

In answer to parts one, five and six of your request, the FCO works to the Cabinet Office guidance that describes how the UK Government classifies information assets to ensure they are appropriately protected. This is publicly available on the GOV.UK website at <https://www.gov.uk/government/publications/government-security-classifications>. Mr Blair, as a former Parliamentarian, was able to request assistance from the UK Government when travelling abroad, which in this case was provided in the form of written briefing, and a meeting with the British Ambassador to Beijing.

Revised guidance has been issued to overseas posts on assistance provided to former Prime Ministers and former ministers. As a result, posts will no longer facilitate programmes for visits, including the setting up of meetings with Government figures, unless such visits support UK government objectives. This is to avoid the inappropriate use of UK Government staff and resources and to avoid the perception that former Ministers and Prime Ministers are representing the UK Government, rather than a commercial interest.

Former Prime Ministers and former Ministers who seek logistical support as representatives of UK business must now submit requests through official UK Trade and Investment (UKTI) channels to ensure equal support is provided to UK companies.

In answer to parts two and three of your request, please find attached a digest of the information that you requested. Some of the information that you requested is exempt under Section 27 of the FOIA. Section 27 is a qualified exemption which is subject to the balance of the public interest. This means that a public interest test must be carried out to determine whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Section 27 (1) (a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. Whilst we appreciate the release of this information could increase public understanding of our relationship with China, in this case if the United Kingdom does not maintain this trust and confidence the effective conduct of the United Kingdom's international relations, and its ability to protect and promote its interests abroad, which is of paramount importance, will be hampered. We therefore believe disclosure of the exempt information would be likely to lead to prejudice to the relations between the UK and the Chinese Government. This would reduce the UK Government's ability to protect and promote UK interests in China, which would not be in the public interest.

Some of the withheld information is personal data relating to officials and 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 FOIA 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.

Some of the information that you requested has been withheld under Section 41 (1) of the FOIA – information provided in confidence. This allows for information to be exempt if it was obtained by the public authority from any other person and the disclosure of the information to the public (otherwise than under this Act) by the

public authority holding it would constitute a breach of confidence actionable by that or any other person. Section 41 also confers an absolute exemption on disclosure, and therefore a public interest test is not required.

Some information has been redacted from the released documents under Section 43(2) of the Act as its disclosure would or would be likely to prejudice the commercial interests of any person. This exemption requires the application of a public interest test. The use of this exemption was carefully considered. The factors in favour of disclosure of this information including the general public interest and greater transparency and accountability, were carefully weighed against the general 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. In this case after such consideration we believe that the public interest in withholding the limited amount of information which has been redacted, information outweighs the public interest in its release.

In answer to part four of your request, after consultation with relevant FCO departments and posts overseas and a search of our paper and electronic records, I have established that the information you requested is not held by this Department.

The FCO can neither confirm nor deny whether the information disclosed or withheld represents all the information held that would meet the terms of your request, as the duty to comply with Section 1(1)(a) of the FOIA does not apply by virtue of Sections 23(5) and 24(2).

To the extent that Section 24(2) of the FOIA applies, we have determined that in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether the FCO holds the information, and that to give a statement of the reasons for this would involve the disclosure of information which would itself be exempt information. Therefore, under Section 17(4) of the FOIA, the FCO is not obliged to give such a statement. However, this should not be taken as evidence that any further information that would meet your request exists or does not exist.

Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, we may now publish the response and any material released on gov.uk in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

The copies of information being supplied to you continue 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,

Asia Pacific 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.