



Department for International Trade

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9 November 2017

Dear Mr Mullaney,

UK Government treatment of documentation relating to the UK–US Trade and Investment Working Group

Following the launch of the UK-US Trade and Investment Working Group in July, by the Secretary of State for International Trade, Dr. Liam Fox, and Ambassador Lighthizer, I am sharing the arrangements the United Kingdom has in place for handling information that will be exchanged in support of the working group's dialogue.

The Government recognises the need both to conduct trade policy in a way that is transparent and inclusive and to handle any information provided, in confidence, by the United States with appropriate care and security. Our commitment to transparency and inclusivity means Parliament, the devolved administrations and legislatures, local government, business, trade unions, civil society, and the public from every part of the United Kingdom must have the opportunity to engage with and contribute to our trade policy. We will also take into account the views of the Crown Dependencies and Overseas Territories, including Gibraltar.

Naturally, information will be shared in the working group in confidence and will thus be held in confidence and in accordance with the Government's obligations to adhere to the Freedom of Information Act 2000. The Act provides a general right of access to information held by public authorities. It sets out how a public authority may refuse a request where one of the exemptions applies. In particular, section 27 applies to information in the context of the United Kingdom's international relations and, for example, where confidential information is obtained from another State, the Government is required to consider the balance of the public interest in maintaining the exemption against disclosing the information.

Following discussions between the United Kingdom and the United States in the context of document and information handling for the working group, the following approach will be taken.

- Proposals, accompanying explanatory material, emails related to the substance of the working group, and other information, exchanged in the context of the working

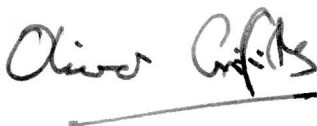
group, are provided and will be held in confidence unless otherwise jointly decided. Such information may be provided only to (1) government officials or (2) persons outside government who participate in a domestic consultation process and who have a need to review or be advised of certain information. Anyone given access to this information will be warned that they cannot share the information with individuals not authorised to see the information. This information will be held in confidence for four years after the conclusion of this working group. These restrictions will not apply to the originator's own information.

- While the working group documents and information are confidential, this information may be mailed, e-mailed, faxed, or discussed over unsecured lines with any of the individuals identified in the preceding paragraph (i.e., government officials and persons outside government who participate in a domestic consultation process). Documents and information may be stored in a locked file cabinet or within a secured building; that is, this information does not need to be stored in safes. This information can be created and stored on unclassified computer systems and password-protected websites.
- Documents created pursuant to or as a result of the working group will be marked in a manner that makes clear that the documents, regardless of their physical form or characteristics, and the information contained in those documents, will be held in confidence. To that end, the United States will mark documents as "U.S.-U.K. CONFIDENTIAL, modified handling authorized" and the United Kingdom will mark documents as "UK OFFICIAL-SENSITIVE – UK/US official use only". Documents that are shared will contain both markings.

The policy underlying this approach is to ensure appropriate public engagement in developing and communicating the UK's contribution to the working group whilst maintaining the confidentiality of documents and information, allowing positions to be developed and for communication to take place both internally and with each other. The UK may decide to put certain information into the public domain to facilitate engagement but they will reflect the UK position only.

I would be grateful if you could confirm whether you accept this approach to handling confidential information shared by the United States in the context of the working group and also if you could share information on the procedures that you will follow regarding confidential information on your side.

Yours sincerely,

A handwritten signature in black ink that reads "Oliver Griffiths". The signature is written in a cursive style and is underlined with a single horizontal line.

Oliver Griffiths
Director, UK-US Trade Policy
Department of International Trade