



Foreign &
Commonwealth
Office

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Foreign & Commonwealth Office
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www.gov.uk/fco

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0321-12

Thank you for your email of 14 March 2012 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

"I hereby request access to the notes or minutes taken by UK representatives at the Working Party on Information meetings in the years 2010, 2011 and what has passed of 2012. The Working Party on Information meetings take place under the auspices of the Council of Ministers of the European Union and are attended by representatives of each EU Member State.

In addition, I would like to request a list of attendees of the various Working Party on Information meetings that have taken place in 2011 and 2012, assuming you hold this information."

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. However, we do not have a record of attendees for the meetings you have requested.

I apologise for the delay in our response. With your agreement, the undertaking of this FOI request was postponed subject to the outcome to the review of your previous FOI request (REF: 0506-10), which was completed on 1 May 2014, with the revised FOI document published on 21 May. We have been working on this FOI request since then and on 12 August 2014 we emailed you for further clarification of your request.

Some of the information you requested falls under one of the following sections of the Freedom of Information Act (FOIA): 27(1)(b) 27(1)(d) relating to international relations and 40 covering personal data.

Section 27(1) (d) of the FOIA recognises the need to protect information that would be likely to prejudice the ability of the UK to protect and promote its interests abroad if it was

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disclosed. Section 27(1) (b) recognises the need to protect information that would be likely to prejudice relations between the UK and international organisations if it was disclosed. This is a qualified exemption and I have considered whether the balance of the public interest favours releasing or withholding this material, balancing open and transparent government against the possible impact to our international relations and foreign policy objectives. The FCO recognises there is a general public interest in openness in foreign affairs in order to ensure that the public are able to scrutinise the manner in which public authorities reach important decisions on matters of foreign affairs. This makes for greater accountability, increases public confidence in government decision-making and helps to encourage greater public engagement with political life. The FCO also recognises that there is a general public interest in being able to evaluate the foreign policy of the government.

These public interests have to be weighed against a stronger public interest in the United Kingdom being able successfully to pursue the UK's interests abroad. If the UK has discussions with other governments and international organisations, in this instance other EU members and the EU institutions which are then disclosed, this will affect the UK's reputation as a trustworthy partner. That in turn may affect how other members of the EU and the EU itself works with the UK in the future, and will impair the UK's ability to contribute to future EU policy making. After balancing the arguments for and against disclosure, I have come to the conclusion that in this case the balance of the public interest lies in withholding some of the information.

Some of the withheld information is personal data relating to junior 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 Freedom of Information Act 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.

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.

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Yours sincerely,

EU Institutions Team

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