



Foreign &  
Commonwealth  
Office

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Foreign and Commonwealth Office  
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Website: <https://www.gov.uk>

26 February 2016

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0116-16**

Thank you for your request for information which we received on 29 January 2016. In your request you asked:

*'I would like to make a request to see all diplomatic telegrams classified below restricted sent from the British embassy in Brasilia in November and December 2015.'*

I am writing to confirm that we have now completed the search for the information which you requested and can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request. For your information, in 2014, the Cabinet Office changed the Government Security Classifications and, as a result, a new 'Official' classification was introduced which replaced Restricted and Unclassified. As such, we have reviewed documents, relevant to your request, based on this new classification.

Some of the information you have requested, is however, 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 Freedom of Information Act 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 27(1)(a) of the FOIA recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states if it was disclosed. In this case, the release of sensitive internal communications could harm our relations with Brazil.

The application of s.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 Brazil. However, s.27 (1) (a) recognises that the effective conduct of international relations depends

upon maintaining trust and confidence between governments. If the United Kingdom 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. The disclosure of information detailing our relationship with the Brazilian Government could potentially damage the bilateral relationship between the UK and Argentina. This would reduce the UK government's ability to protect and promote UK interests through its relations with Argentina, 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 it.

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

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Yours sincerely,

Desk Officer for Brazil  
South America Department



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