



Foreign &  
Commonwealth  
Office

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

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

22 February 2016

## **FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 1122-15**

Thank you for your email of 23 November 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*'I'd like to request information held by Pacific Department on your business objectives for Mongolia. This includes the assessment of progress made in achieving the objectives. Please provide information held dating from 2012 to the present date'.*

I am writing to confirm that we have now completed the search for the information you requested.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request. Please find attached the information that the FCO can release to you.

Some of the information has been withheld under sections 27, 35, 38, 40 and 43 of the Freedom of Information Act.

### **Section 27**

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 information relating to political, investment and defence matters could harm our relations with Mongolia.

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 Mongolia. 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 Mongolian Government could potentially damage the bilateral relationship between the UK and Mongolia. This would reduce the UK government's ability to protect and promote UK interests through its relations with Mongolia, 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.

The effective conduct of international relations depends upon maintaining trust and confidence between Governments. This relationship of trust allows for the free and frank exchange of information on the understanding that it will be treated in confidence. If the UK does not respect such confidences, its ability to protect and promote UK interest through international relations will be prejudiced. International Financial Institutions, EU and UN may be more reluctant to share sensitive information with the UK Government in future and may be less likely to respect the confidentiality of information supplied by the UK Government, to the detriment of UK interests. For all these reasons, we consider that in all the circumstances of the case, the public interest in maintaining this exemption outweighs the public interest in disclosing the information covered by section 27 (1)(b).

Section 27(1) (c) and (d) are qualified exemptions which protects the interests, promotion and protection of the UK abroad, and we have considered where the greater public interest lies. Disclosure could meet the public interest in transparency and accountability. However, the effective conduct of international relations depends upon maintaining trust and confidence between governments. If the UK 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 setting out the thoughts of officials on our relationship with other states could potentially damage the relationship between the UK and those states. The relationships are on-going and comments could be taken into account by those states. This could reduce the UK Government's ability to protect and promote UK interests 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 disclosure.

### **Section 35**

Some of the information you requested is exempt under section 35(1) (a), which relates to the formulation or development of government policy. This exemption requires the application of a public interest test. It is recognised that there is a 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 the pros and cons without there being premature disclosure which might close off better options and inhibit the free and frank discussion of all policy options. This information refers to assessments, about which are ongoing and still under discussion. It is our view that disclosure of this information would mean that we would risk undermining future decision making and discussion on this subjects in future. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosure of the information.

### **Section 38**

Some of the information is exempt under section 38 (1) (a) and (b) as disclosure would or would be likely to endanger the physical or mental health of any individual or endanger the safety of any individual. This qualified exemption also requires the application of the public interest test. In applying the public interest test we took into consideration the factors in favour of disclosure; in this case that releasing such information would compromise the security of staff. I balanced this against the grounds for non-disclosure, which are that release of the information would likely endanger the life of an individual by revealing details of his work and location. On balance I concluded that the public interest in maintaining this exemption outweighs the public interest in disclosure.

## Section 40

Some of the information you have requested is 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, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

## Section 43

Some of the information is exempt under Section 43 (2) of the Act, which relates to commercial interests. We carefully considered the use of this exemption. The factors in favour of disclosure of this information are greater transparency and accountability which are in the public interest. However we also considered the need to allow commercial organisations the space to conduct their lawful business competitively and without fear of disclosure of sensitive commercial information. Failure to protect 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. Therefore, in this case, we believe that the public interest in withholding the redacted information outweighs the public interest in its release.

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](http://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,

Pacific Department

