



Foreign & Commonwealth Office

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

16 November 2015

Dear

FREEDOM OF INFORMATION REQUEST: 0842-15

Thank you for your e-mail of 21 August, in which you asked for the following information under the Freedom of Information Act (FOI Act) 2000.

I would be grateful if you could provide all information related to Nicola Sturgeon's visit to China in July 2015. This should include:

- (a) the content of correspondence / emails with the Scottish Government regarding Ms Sturgeon's preferred agenda and schedule*
- (b) Any requests from the Scottish Government for meetings with senior figures*
- (c) Any correspondence / emails with the Chinese Government about the visit*
- (d) Any correspondence with other Chinese officials*
- (e) Any briefing materials provided to Chinese officials*

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. I am pleased to enclose the material which we can release to you. Some information is being withheld under the following exemptions of the Freedom of Information Act (FOIA):

- Section 22 Information intended for future publication
- Section 27 International Relations
- Section 28 Relations within the UK
- Section 35 Formulation of government policy
- Section 38 Health and Safety
- Section 40 Personal information
- Section 43 Commercial Interests

Section 22 Information intended for future publication

Some information is being withheld as it is intended for future publication. This is in relation to the final programme for the First Minister's visit to China. The Scottish Government publishes details of all Ministerial engagements each month, three months in arrears. These appear on the Scottish Government website at the following page:

www.gov.scot/About/People/14944/Events-Engagements/hospitality

Section 27 International Relations

Some information has been withheld under Section 27 – International Relations. The disclosure of this information would be likely to prejudice relations between the UK and the People's Republic of China (PRC), and the promotion or protection by the UK of its interests abroad.

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. The PRC 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. The arguments in favour of disclosure for reasons of transparency and better understanding of international relations were weighed against the need to protect relations between the UK and the PRC, and promote or protect UK interests abroad.

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) (a) and (2).

Section 28 Relations within the UK

Some information has been withheld under Section 28 – relations within the UK.

The FCO has to strike a balance between being able to give free and frank advice to Ministers and senior officials in London, while maintaining a good working relationship with the Scottish Government. Section 28(1) is a qualified exemption as such, we have considered where the greater public interest lies. Disclosure could meet the public interest in transparency and accountability. However, the effective conduct of internal UK 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 internal relations will be hampered, which will not be in the public interest. The disclosure of information could potentially damage the relationship between the UK and the Scottish Administration which is not in the public interest. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Section 35 Formulation of government policy

Some information has been withheld under section 35(1) (b) of the FOIA. There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. I also recognise that the communications Ministers make with foreign counterparts may have a significant impact on the lives of citizens and there is a public interest in their deliberations being transparent.

There is a specific public interest in understanding the role of Ministers in foreign policy. These public interests have to be weighed against a stronger public interest in good policy making and delivery that is informed by a full consideration of all the options. Ministers must be able to discuss policy freely and frankly and in order to fully understand the possible

implications of all the available options and deliver it effectively. The candour of all involved would be affected by their assessment of whether the content of the discussions will be disclosed. If discussions were routinely made public there is a risk that Ministers may feel inhibited from being frank and candid with one another.

Ministers must also have access to and be able to communicate with foreign leaders in order to form the best view of the policy options. If the contents of the ministerial exchanges were made public, foreign leaders would be reluctant to converse freely with our leaders. As a result our Ministers would be deprived of the basis of good policy making and delivery.

As a result of both these factors, the quality of debate underlying collective decision making would decline, leading to worse informed and poorer decision making and policy delivery. Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information.

Section 38 Health and Safety

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 again took into consideration the factors in favour of disclosure; in this case that releasing such information would demonstrate openness and public accountability towards the travel and security arrangements for the protection of the First Minister and her delegation. We balanced these against the grounds for non-disclosure. We felt that disclosure of details with regard to the security and transport arrangements for the First Minister could be used by others in the future to pose a significant risk to any individual's personal safety during similar visits. There is a strong public interest in withholding information, for example, FCO planning and procedures for preparing overseas visits, particularly where disclosure could endanger the safety of individuals. On balance we concluded that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

Section 40 Personal information

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 (2) Commercial Interests

Some of the information you have requested is being withheld under Section 43(2) of the FOIA. Section 43(2) protects information which would be likely to prejudice the commercial interests of any company (including the public authority holding it). In applying section 43 we have had to balance the public interest in withholding the information against the public interest in disclosing it.

The use of this exemption was carefully considered. The FCO considers that there is a general public interest in greater transparency. We regularly use commercial companies and service providers, and in order to gain best value for money, we must maintain their confidence and refrain from releasing information that would be likely to prejudice their

commercial interests. In this case we believe that the balance of public interest lies in not releasing the information.

For these reasons, we consider that the public interest in maintaining these exemptions outweighs the public interest in disclosing it.

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.

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Yours sincerely,

China Department



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