



Foreign &
Commonwealth
Office

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FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0070 - 14

Thank you for your email of 19 January 2014 asking for information under the Freedom of Information Act (FOIA) 2000. You wrote:

- 1) *Please provide a list of all meetings the Foreign and Commonwealth Office is aware of, facilitated, or attended, between representatives of the SCOTTISH GOVERNMENT (including civil servants and ministers) and representatives of EU MEMBER STATE GOVERNMENTS (including officials, ministers etc) between January 2012 and January 2014. Please provide details of who was present, where and when the meeting was held, and the items discussed, where available. Please also provide any available minutes or notes from these meetings in the FCO's possession. If you require this search to be narrowed down for cost purposes, please only include all information that relates to the referendum on Scottish independence and an independent Scotland's membership of the EU.*

- 2) *Please provide a list of all meetings between representatives of the UK GOVERNMENT (including civil servants and ministers) and representatives of EU MEMBER STATE GOVERNMENTS (including officials, ministers etc) between January 2012 and January 2014 where the issue of SCOTTISH INDEPENDENCE was discussed. Please provide details of who was present, where and when the meeting was held, and the items discussed, where available. Please also provide any available minutes or notes from these meetings in the FCO's possession.*

We have completed a search for the information which you requested in part (1) of your request, narrowed to information that relates to the referendum on Scottish independence and an independent Scotland's membership of the EU. I have taken 'member states governments' to exclude the UK for the purposes of this request.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to part (1) of your request. Attached is a list of 28 visits known by the FCO to have taken place by ministers or officials from the Scottish Government to EU Member States from November 2012 to January 2014. Under Section 12 of the FOIA, we cannot confirm

that discussions on the referendum on Scottish independence or an independent Scotland's membership of the EU were components of these visits.

Section 12 of the FOIA makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central government the appropriate limit is set at £600. This represents the estimated cost of one or more persons spending 3 ½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it. Pursuant to this section, we are not providing information on any visits from January 2012, the start date of your request, to November 2012. Prior to the establishment of the FCO's devolution unit in September 2012, information on visits was not maintained centrally. Accordingly, I estimate that it will take more than 3 ½ working days to locate, retrieve and extract this information. In these circumstances we are not obliged under the Act to comply with this part of your first request. You may therefore wish to refine this part of your request to narrow its scope to bring it within the appropriate limit. You may wish to limit your request to a particular geographical area or post within the FCO.

The FCO holds information relating to four of those 28 visits and we can confirm that meetings were held as follows:

- Germany: On 17 April 2013 Fiona Hyslop, Scottish Government Cabinet Secretary for Culture and External Affairs, met State Secretary Cornelia Pieper of the Ministry of Foreign Affairs, both accompanied by officials, and members of the German-British and German- Irish Parliamentary Groups.
- Ireland: On 7 May 2013 Fiona Hyslop met Lucinda Creighton, Minister of State for European Affairs, both accompanied by officials.
- Estonia: On 30 October 2013 Alex Neil, Scottish Government Cabinet Secretary for Health and Well-being, met Ken-Marti Vaher, Minister of the Interior and Taavi Rõivas, Minister of Social Affairs, accompanied by officials.
- France: On 16 December 2013 Fiona Hyslop met Aurelie Filippetti, Minister for Culture and Communication and Pierre Sellal, Secretary General of the Foreign Affairs Ministry, accompanied by officials.

Some of the information is being withheld under section 27 (1) (a) (International relations) of the FOIA recognises the need to protect information that would or would be likely to prejudice relations between the UK and other states if it was disclosed. Section 27 (2) of the FOIA recognises the need to protect information provided in confidence to the UK Government by another Government. The application of sections 27 (1) (a) and 27 (2) require us to consider the public interest test arguments in favour of releasing and withholding the information.

In this case, the information being withheld relates to confidential discussions held between Scottish Government ministers and officials, on the one hand, and representatives of the Governments of Germany, France, Estonia and Ireland, on the other. We assess that the release of information from these discussions would be likely to prejudice relations between the UK and these countries.

The effective conduct of international relations depends on maintaining trust and confidence between governments. This relationship of trust allows for the free and frank exchange between Ministers and officials 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 interests through international relations will be hampered. EU Member states including Germany, France, Estonia and Ireland may be reluctant to share sensitive information with the UK and Scottish Governments in the future and may be less likely to respect the confidentiality of information supplied by these Governments to them. This could undermine the bilateral relationship between the UK and these countries. This in turn would reduce the Governments' ability to protect and promote UK interests through its relations with this country, 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.

Under Section 12 of the FOIA I am not able to deal with part (2) of your request as it is currently framed. Please see the definition of section 12 above.

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Yours sincerely,

Devolution Desk Officer
European Directorate - Internal



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