



Foreign &
Commonwealth
Office

Europe Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

27 November 2015

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

Dear

Your Freedom Of Information Request: 0748-15

Thank you for your email of 26 July 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

- *Any document containing advice for ministers about the Catalan elections on September 27, 2015*
- *Any document containing advice for ministers about the unofficial independence referendum held in Catalonia on November 9, 2014.*
- *Any document containing advice for ministers about the prospects for Catalan independence.*
- *Any correspondence between the Foreign and Commonwealth Office and the Delegation of Catalonia to the United Kingdom and Ireland since October 2014*
- *Any correspondence relating to Catalonia since October 2014*

It was subsequently agreed that this request would be refined to the following:

- *Any document containing advice for ministers about the Catalan elections on September 27, 2015*
- *Any document containing advice for ministers about the unofficial independence referendum held in Catalonia on November 9, 2014.*
- *Any document containing advice for ministers relating to Catalonia since October 2014*
- *Any correspondence between the Foreign and Commonwealth Office and the Delegation of Catalonia to the United Kingdom and Ireland since October 2014*
- *Any correspondence between the Spanish Desk of the Foreign and Commonwealth Office and the British Embassy in Madrid relating to Catalonia since October 2014.*

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.

We have withheld some documents which fall within the scope of your inquiry using section 27 – international relations - of the FOIA. Section 27 is a qualified exemption and is subject to a public interest test.

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 the information you request could damage our relations with Spain.

The application of section 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 the UK Government's position on Catalanian independence.

However, section 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 some of the information we hold could potentially damage the bilateral relationship between the UK and Spain. This would reduce the UK government's ability to protect and promote UK interests through its relations with the government of Spain, 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.

Section 27(2) of the FOIA recognises the need to protect information provided in confidence to the UK Government by another government. In this case, the information being withheld relates to confidential discussions held between Government officials and representatives of the government of Spain, the Government of the Generalitat of Catalonia and the Delegation of Catalonia to the United Kingdom and Ireland.

The application of section 27(2) requires us to consider the public interest test arguments in favour of releasing and withholding the information. Disclosure of information that was given to us in confidence would damage our relationships with the individuals concerned: they would be more guarded and less co-operative in their dealings with us.

It is for these reasons that we consider that the public interest in maintaining exemption under section 27(2) outweighs the public interest in disclosure of the 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 FOIA 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.

In addition, good government depends on good decision making and needs to be based on the best advice available and a full consideration of all the options. The advice should be broad based and there may be a deterrent effect on external experts or stakeholders who might be reluctant to provide advice because it might be disclosed. A further consideration was that the impartiality of the civil service might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poor decision making.

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Yours sincerely,

Europe Directorate

Foreign and Commonwealth Office



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