



Foreign &  
Commonwealth  
Office

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

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

10 October 2016

## **FREEDOM OF INFORMATION ACT 2000 - REQUESTS REF: 0774-16 AND 0775-16**

Thank you for your emails of 11 August asking for information under the Freedom of Information Act (FOIA) 2000. You asked for:

### 0774-16

*All correspondence between the Tullow Oil and the Foreign and Commonwealth Office:*

*That includes reference to:*

- *Zambia*
- *Lakes Bangweulu*
- *Mweru Wantipa*
- *Tanganyika*
- *Block 31*
- *Christopher Yaluma*

*Correspondence should include:*

- *Emails and attachments*
- *Letters*
- *Briefing documents, or equivalent*
- *Notes/transcripts from phone conversations*

***The timeframe for this request is 1st January 2015 to 1st July 2016.***

### 0775-16

***1) All correspondence between representatives from Tullow Oil and officials from the UK High Commission to Zambia:***

*That includes reference to:*

- *Zambia*
- *Lakes Bangweulu*
- *Mweru Wantipa*
- *Tanganyika*
- *Block 31*
- *Christopher Yaluma*

*Correspondence should include:*

- *Emails and attachments*

- Letters
- Briefing documents, or equivalent
- Notes/transcripts from phone conversations

**2) Details of meetings between representative from Tullow Oil and officials from the UK High Commission to Zambia:**

*Including:*

- Minutes from the meeting
- Date of the meeting

**The timeframe for this request is 10th February 2016 to 15th July 2016.**

Where you have requested information for “*All correspondence between the Tullow Oil and the Foreign and Commonwealth Office*”, we have interpreted the Foreign and Commonwealth Office to include the British High Commission in Zambia, which is a part of the Foreign & Commonwealth Office.

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.

Please find attached information that the FCO can release to you. We have withheld some information in compliance with the following exemptions:

Section 27 – International Relations

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 our engagement on commercial matters could harm our relations with a third country.

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 a third country. 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 a third country could potentially damage the bilateral relationship between the UK and a third country. This would reduce the UK government's ability to protect and promote UK interests through its relations with a third 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 disclosing it.

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 41 – Information Provided in Confidence

Some of the information you requested is exempt under section 41 of the Act, as disclosure would be a breach of confidence. The successful working of British diplomacy depends upon sources being able to provide information in confidence without fear that this will be made public. In addition, section 41 (1) states that information provided in confidence, as in this case, is also exempt if disclosure to the public by the public authority would constitute a breach of confidence actionable by that or any other person. Section 41 also confers an absolute exemption on disclosure, so we do not have to apply a public interest test.

#### Section 43 – Commercial Interests

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.

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.

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Yours sincerely,

Central and Southern Africa Department



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