



Foreign &
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FREEDOM OF INFORMATION ACT 2000 REQUEST REF: FOI 0007-16

Thank you for your email of 4th January 2016 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

I would like to ask if any plans have been made for UK delegation space in the European Council's Europa building, which is currently under construction in Brussel.

Please could you release any design plans as well as any costings or budgetary information.

Also, have any plans been made to update the current delegation space in the Justus Lipsius building? Similarly could you release any design plans as well as any costings or budgetary information.

Has there been any correspondence between the European Council or any other European institution and the FCO regarding the new Europa building in the past 12 months. Please could release this too.

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. However, we are withholding some information under the following exemptions:

Section 38(1)(a)(b) – Health and Safety
Section 43(2) – Commercial Interests
Section 21- Information accessible by other means
Section 27 (1) and (2) - International Relations
Section 40 (2) and (3) – Personal Information

The European Commission will transfer European Council meetings and other High Level meetings from the Justus Lipsius Building to the Europa building. This is expected to commence in July 2016, although the timing may slip. Consequently, all EU Member States, including the UK, are having to move their delegation offices, used by the Prime Minister, the Foreign Secretary, and other senior ministers during meetings, to Europa House. Planning for this move is under way.

We consider your request for design plans likely to endanger the physical health and safety of individuals and has therefore been withheld under **Section 38(1)(a)(b)**. In applying the public interest test the FCO took into consideration the factors in favour of disclosure; in this case that releasing such information would demonstrate openness and public accountability towards the official office design arrangements for the personnel based in the countries listed above. The FCO is aware that there is a public interest in disclosing information regarding details of FCO office design in the Europa building. However, release of this information could pose a significant risk to the personal safety of a specific individual or individuals. For this reason we therefore judge that the public interest in withholding this information outweighs the public interest in disclosure.

We consider your request for costing and budgetary information with regard to the plans for the UK delegation space in Europa building as 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.

The Justus Lipsius building will remain open with the UK delegation moving to take space in the Europa building. The FCO has no plans to update our current delegation office in the Justus Lipsius which we will close.

Regarding your request for release of correspondence in the last 12 months between the European Council or other European institution and the FCO regarding Europa building. Under **Section 21** of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you. Some of the information relevant to your request can be found at The EU *Council Website* link: www.consilium.europa.eu

Some of the information within the scope of your request is exempt under **Sections 27(1)(b)(c)(d) and (2)** of the Act as it relates to Government to Government discussion with other States and international organisations (in this instance the EU and its Member States). 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 United Kingdom does not respect such confidences, its ability to protect and promote UK

interests through international relations will be hampered. The States concerned may be reluctant to share information with the UK Government in future and may be less likely to respect the confidentiality of information supplied by the UK Government to them, to the detriment of UK interests. We recognise that there is public interest in this particular subject, but, for the reasons mentioned above, we consider that in all the circumstances of the case, the public interest in maintaining this exemption outweighs the public interest in disclosure.

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.

Regarding details of meetings between FCO staff and EU officials to discuss the Europa building I can confirm that FCO officials together with their EU colleagues were taken on a tour of the building construction site on the 30th April 2015.

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,

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