



Foreign &
Commonwealth
Office

**Commercial and Economic Diplomacy
Department**

Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

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

09 March 2015

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0125-15

Thank you for your email of 9 February asking for information under the Freedom of Information Act (FOIA) 2000. You asked for:

'all documents (meeting agendas and minutes; emails and correspondence; consultation responses; and any others) which involve the FCO, International Chamber of Commerce and the Transatlantic Trade and Investment Partnership – TTIP.'

I am writing to confirm that we have now completed the search for the information which you requested. 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. I have withheld some of the information under section 21 of the Act as we are not required to provide information if it is already reasonably accessible to you. That information can be found at <http://www.international-chamber.co.uk/blog/2015/01/13/icc-uk-response-to-eu-consultation-on-ttip-and-isds/>.

I have withheld some information under Sections 27 (1) and Section 35 (1) (a). Section 27 (1) (c) and (d) exempts information that the release of which would prejudice the interests of the United Kingdom abroad, and its ability to protect and promote its interests abroad. Negotiations on TTIP are still ongoing. Releasing this information may improve public knowledge about how officials carry out such negotiations but release of information covering the UK's view and assessment of a live negotiation would be likely to constrain our ability to achieve the optimal outcome. Therefore I judge that it is not in the public interest to release this information.

Section 35(1) (a) is subject to a public interest test. I consider that there is a strong interest for those involved in the ongoing negotiations to be able to discuss policy freely and frankly, exchange views on available options and understand their possible implications. The candour of all involved would be affected by their assessment of whether information about

those discussions will be disclosed prematurely. If the extent and content of discussions were routinely made public, there is a risk that those involved may feel inhibited from being frank and candid with one another. As a result the quality of debate underlying collective decision making would decline, leading to less well informed and poorer policy. My assessment is that the balance of public interest supports withholding the information.

Some of the information you requested is exempt under section 41 of the Act, information provided in confidence. This allows for information to be exempt if it was obtained by the public authority from any other person and the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute 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. Exemptions under Section 41 do not require the application of a public interest test.

A small amount 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 Section 40 confers an absolute exemption on disclosure and there is no public interest test to apply.

You can find regular updates on the progress of the TTIP negotiations on the European Commission's website: <http://ec.europa.eu/trade/policy/in-focus/ttip/>.

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.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by the FCO will have been produced by government officials and will be protected by Crown Copyright. To re-use Crown Copyright documents please consult the [Open Government Licence v3](#) on the National Archives website. Information you receive which is not subject to Crown Copyright continues to be protected by the copyright of the person, or organisation, from which the information originated. You must ensure that you gain their permission before reproducing any third party (non-Crown Copyright) information.

Yours sincerely,

Deputy Head, Trade Policy Team
Commercial and Economic Diplomacy Department



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.