



Foreign &
Commonwealth
Office

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30 July 2015

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0682-15

Thank you for your email of 10 July asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

"I'm requesting records of meetings between a) representatives of the department responsible for Mongolia and representatives of Rio Tinto and b) Hugo Swire MP in his capacity as a Foreign Office Minister and representatives of Rio Tinto which included discussion of Mongolia (although if anything else was discussed in addition to Mongolia please include as I'd like a full record). I'd like these records to cover the date range 1st January 2013 and today (9th July 2015)."

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. Some of the information has been withheld using sections 27, 38, 40 and 43 of the Freedom of Information Act.

Section 27

Section 27(1) (c) is a qualified exemption related to international relations and as such we have considered where the greater public interest lies. Although disclosure could meet the public interest in transparency and accountability, effective conduct of international relations depends upon maintaining trust and confidence between governments. If the UK 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 setting out the thoughts of an official on our relationship with Mongolia could potentially damage the bilateral relationship as well as the UK's interests in Mongolia. This could reduce the UK Government's ability to protect and promote UK interests 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.

Section 38

Other information is likely to endanger the safety of individuals and has therefore been withheld under Section 38(1) (b). In applying the public interest test we took into consideration the factors in favour of disclosure; in this case that releasing such information would demonstrate openness and public accountability. However, release of this information could seriously endanger the health and safety of a specific individual. For this reason we

therefore judge that the public interest in withholding this information outweighs the public interest in disclosure.

Section 40

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 43

Some of the information is exempt under Section 43 (2) of the Act, which relates to commercial interests. The factors in favour of disclosure of this information include the general public interest and greater transparency and accountability. We carefully weighed these against the need to allow commercial organisations the space to conduct their lawful business competitively and without fear of disclosure of sensitive commercial information. Companies and individuals disclose commercially sensitive information to us in trust and confidence and we consider that disclosing this poses risks to the UK in that companies and individuals would be much less likely to provide the FCO with this type of information. This would limit the sources of information and interlocutors available to the FCO. In doing so, it would seriously impair our ability to work for UK interests in a safe, just and prosperous world. In this case after such consideration we believe that the public interest in withholding the redacted information outweighs the public interest in its release.

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Yours sincerely,

Pacific Department



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