



Foreign &  
Commonwealth  
Office

**International Energy Unit**  
Foreign and Commonwealth Office  
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19 August 2015

**FREEDOM OF INFORMATION REQUEST (FOIA) REF: FOI 0505-15**

Thank you for your email of 27 May 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*I am requesting all information generated around the BP-FCO high level dinners held between the FCO and BP between 2012 and 2015. This includes the High Level Dinner for 2015, although I am aware that it may not yet have occurred this year.*

*For each year can I receive*

- *Date/Location*
- *Names and titles of the people in attendance*
- *Agendas/Minutes/Briefing notes etc*

*Similarly, for each item of correspondence, to include but not be limited to, telephone calls, emails or text messages, could I be supplied with the:*

- *Time/Date*
- *Names and titles of other people party to the correspondence*
- *Any attachments to emails or supplementary documents included*
- *Any associated documents generated as a direct result of this conversation e.g. briefing notes, minutes, memos, transcripts or summaries*

We have considered your request under the Freedom of Information Act 2000 (FOIA). Some of the information which you have requested constitutes environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs). Accordingly, your request has been considered under the terms of both FOIA and EIR.

The Foreign and Commonwealth Office (FCO) promotes the United Kingdom's interests overseas, supporting our citizens and businesses around the globe. As set out on the HMG public website <https://www.gov.uk/government/organisations/foreign-commonwealth-office/about>, FCO responsibilities include building the UK's prosperity by increasing exports and investment, opening markets, ensuring access to resources, and promoting sustainable global growth.

FCO staff in London and around the world work closely with a wide range of governments, businesses and other organisations to take forward these objectives. Departmental reports, public business plans and other documents published on the gov.uk website include

information on FCO objectives on energy and climate change over this period, including promoting the conditions for a stable, transparent international energy market that supports the reliable and affordable supply of energy to the UK; supporting UK energy companies to achieve major new contracts; and working internationally for a new UN agreement to tackle climate change.

I am writing to confirm that we have now completed the search for the information which you requested. I can confirm that the FCO does hold information relevant to your request. In addition I can confirm that between 2012 and 27 May 2015 (the date of your request) two high level dinners were held between the FCO and BP, on 10 January 2013 and 7 July 2014. One dinner took place after your request, on 16 July 2015. All of the dinners were held with an expectation of confidentiality.

I attach the information that the FCO can release to you. We have interpreted your request as a preference for a copy of the information in permanent form. We do not believe it to be practicable to give effect to your request to receive material in its original context given the volume of information, and the difficulty in providing the information in its original context without also providing you with the information which is exempt. We have also interpreted your request as for final information concerning these dinners, rather than for general correspondence discussing the logistical and agenda details in draft. We have therefore produced a digest of the information that we can release to you.

The information that we have not included is that which we consider to be exempt from disclosure under FOI Section 43 (commercial Interests), Section 27(1) (international relations), Section 35(a) (formulation of government policy), and Section 40 (personal information). We also judge that some of the information that the Department holds is exempt from disclosure under the exceptions in Regulations 12(3), 12(4)(e), and 12(5)(a) of the Environmental Information Regulations 2004 and is therefore also being withheld. Please note that the application of these exemptions resulted in the redaction of certain documents in their entirety. Specifically, this included briefing documents for each dinner (withheld under EIR 12(4)(e)), internal minutes for the 2013 and 2014 dinners (withheld under FOI Section 43) and a letter from HMA Washington to the Foreign Secretary's Office (redacted under FOI 27(1)). We have, however, listed the topics that were discussed at these dinners in the digest.

Some of these exemptions are subject to a public interest test. The key public interest considerations we have taken into account for these exemptions and exceptions are set out below.

We have redacted information under the FOIA Section 35 (1)(a) of the FOIA .This is a qualified exception, which requires the FCO to consider carefully the balance of the public interest in publishing this information. Disclosure would assist transparency. However, the FCO considers that disclosure of this information would be likely to inhibit the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberation. There is a strong public interest in protecting the space Ministers and officials have to consider and discuss options, to ensure that full and proper consideration to policy is given. The candour of contributions to this process would be likely to be affected by officials' assessment of whether the content of such communications would be disclosed in the near future. This would have a negative impact on the quality of decision making, which is clearly not in the public interest. For these reasons, we consider that the public interest in withholding this information outweighs the public interest in release.

It is essential that civil servants are able to communicate with external parties with relevant knowledge and experience, including the company referenced within this information. This communication must include the ability to receive information which can be used to shape

policy. If such information could not be received by interested parties and could not be recorded and disseminated internally, such as in the case of ministerial briefings, that would lead to significantly less effective policy making processes. We therefore take the view that there is a significant public interest in withholding internal communications under the EIRs regulations 12(4)(e). We have considered the importance of the public interest in disclosure of this information, including the presumption in favour of disclosure set out in regulation 12(2). Given the sensitivities around energy companies' long term economic decisions on future energy projects and portfolios, we considered that they would not share information with the Government if this was released. That information is critical to the Government's ability to judge and set future energy policy in which there is a clear public interest. Therefore, the balance of public interest is in favour of withholding this information.

We have redacted information under the FOIA Section 27(1)(a) and (c), relations between UK and any other state, and UK interests abroad. The application of this exemption requires that the FCO consider carefully the balance of public interest in publishing the information. The FCO has taken into account that there is a general public interest in greater transparency in how Government operates and in demonstrating the methods of communication it conducts with other states. Open policy making may also lead to increased trust and engagement between citizens and government. However, with regard to this information we have had to balance the important public interest in disclosure of information against the public interest in protecting the UK's international relationships, in this case with a number of countries including Ukraine, Russia and the United States of America. We believe that publication of certain details would undermine the working relationship between the UK government and these governments. Further, disclosure of information which was shared in confidence, and is not already in the public domain, would reduce the willingness of these other governments to engage with the UK and would weaken the ability of the FCO to operate in the UK's national interest. We consider that these factors outweigh the public interest in releasing the information.

We have also redacted information under the EIRs regulation 12(5)(a) as its disclosure would adversely affect international relations and national security. This includes the UK's relationships with other national Governments and wider political discussions around the UK's future energy security. We have considered the importance of the public interest in disclosure of this information, including the presumption in favour of disclosure set out in regulation 12(2). However, where this information includes commentary or other views on ongoing activities in geopolitically sensitive regions, and revealing those views could be detrimental to the UK's international relations and objectives, we consider that the balance of public interest is in favour of withholding this information.

We are withholding information under Section 43(2) of the FOIA as release of the information would be likely to prejudice the commercial interests of any person (including the public authority holding it). This is a qualified exception which requires that the FCO consider the balance of public interest in publishing the information. The FCO believes that there is a general public interest in energy policy issues, in greater transparency in how Government operates and improving trust and engagement between citizens and government. However, this also must be 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. Publication of confidential and commercially sensitive material would undermine the willingness of industry to discuss with Government matters of UK national interest. This would reduce the ability of government to support UK commercial objectives and weaken the UK's economic outlook. We consider that this factor outweighs the public interest in releasing the information.

Section 40(2) and (3) of the FOIA also provides an absolute exemption for personal data which then falls to be dealt with the Data Protection Act 1998. 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 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.

Some personal information has been redacted from the information released. Regulation 12(3) of the EIRs, with reference to regulation 13, provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release the names of junior members of staff or third parties and do not think that any of the relevant conditions apply.

We are releasing the names of all members of the Senior Civil Service within the scope of this request.

### **Out of Scope**

Additionally, our understanding of your requests that you are interested in information that specifically relates to the BP-FCO High Level dinners. We have therefore made redactions to specific documents where information is out of scope.

### **Publicly available information**

Under Section 21 of the FOIA, we are not required to provide information in response to a request if it is already reasonably accessible to you. However, to assist you, the CVs of Dev Sanyal, Iain Conn and Peter Mather can be found online, including the BP, Business in the Community and Centrica websites:

<http://www.bp.com/en/global/corporate/about-bp/company-information/board-and-executive-management/executive-management/dev-sanyal.html>

<http://www.bitc.org.uk/about-us/who-we-are/peter-mather>

<http://www.centrica.com/index.asp?pageid=802>

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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ensure that you gain their permission before reproducing any third party (non-Crown Copyright) information.

Yours sincerely,

International Energy Unit



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.