



Foreign &  
Commonwealth  
Office

**South America Department**  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH

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

11 August 2015

Dear,

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0591-15**

Thank you for your email of 22 July 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*"I would like any available documents, emails, minutes relating to Hugo Swire's June 2014 meeting with BAE Systems and the Colombian Navy described as "Meeting with BAE Systems and the Colombian Navy on behalf of BAE commercial proposal on trip to Colombia"*

I am writing to confirm that we have now completed the search for the information which you requested and 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 under Section 27-International Relations, Section 35-Formulation of Government Policy, Section 40-Personal Data, Section 41-Information Provided In Confidence and Section 43-Commercial Interest. Section 35 and Section 43 are qualified exemptions and are subject to a public interest test. Section 40 and Section 41 are both absolute exemptions and are not subject to a public interest test. I provide further explanation below.

**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 Colombia could harm our relations with them

The application of Section 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 Colombia. However, Section 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 the Government of Colombia could potentially damage the bilateral relationship between the UK and Colombia. This would reduce the UK government's ability to protect and promote UK interests through its relations with Colombia 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 35 - Formulation of Government Policy:***

Some information has been withheld under section 35(1)(a) of the Act as it relates to the formulation of government policy. This exemption requires the application of a public interest test. I recognise that there is a public interest in greater transparency in the formulation and implementation of government policy to ensure accountability within public authorities. However, I also recognise that Ministers and officials need to be protected from such transparency to be able discuss and debate policy free from the pressures of public political debate. There is a strong public interest in ensuring high-quality policy-making and implementation. For government to succeed in upholding this public interest, Ministers and officials need to be able to consider, debate and understand implications of any policy and how it is presented. We consider that the balance of the public interest lies in favour of withholding the information as it relates to ministerial correspondence and briefings, which form part of the development and delivery of government policy relating to UK commercial interests in Colombia.

***Section 40 - Personal Data:***

The names of third parties have been withheld, 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. There is, therefore, no public interest test to apply.

***Section 41 - Information Provided in Confidence:***

Some of the information that we considered for your request has been withheld under Section 41 of the Freedom of Information Act – information provided in confidence. This relates to information provided by BAE Systems to the FCO. We recognise when information has been passed to the FCO in good faith, and when the disclosure of it would be likely to be considered an actionable breach of confidence. This is an absolute exemption and so the public interest test does not apply.

***Section 43 – Commercial Interest:***

Some of the information relating to the meeting 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, such as BAE Systems PLC, the space

to conduct their business competitively and without fear of the disclosure of sensitive commercial information. In this case, the information being held was provided to the FCO by BAE Systems PLC in confidence and relating to their commercial interests. We consider that releasing this information 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. It would also limit the FCO's ability to promote the British economy and lobby for the interests of British businesses overseas. After such consideration, we believe that the public interest in this case in withholding the redacted information outweighs the public interest in its release.

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Yours sincerely,

*South America Department*

South America Department



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