



Foreign &  
Commonwealth  
Office

**South America Department**  
Foreign and Commonwealth Office  
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Website: <https://www.gov.uk>

13 March 2015

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 1150-14**

Thank you for your email dated 19 December 2014 requesting information under the Freedom of Information Act (FOIA) 2000. You asked for:

1. *Any correspondence in the possession of the UKFCO regarding the Project exchanged since 2000 between the Embassy of the United Kingdom in Bolivia and "SAS" or "South American Silver Limited," or "GM" or "General Minerals Corporation Limited".*
2. *Any document that has come into the possession of the UKFCO in relation to the Project since 2000, mentioning or relating to "SAS" or "South American Silver Limited", or "GM" or "General Minerals Corporation Limited"; and*
3. *Any document and/or correspondence that has come into the possession of the UKFCO since 2000, mentioning or relating to "Malkhu Khota" or "Malkhu Khota" or "Malku Qota" or "Malku Qota".*

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 and is releasing it to you with this letter. Some information has been withheld under the following exemptions of the Freedom of Information Act, 2000:

Section 27 (1)(a) International Relations  
Section 27 (1)(c) International Relations  
Section 40 Personal Data  
Section 41 (1)(b) Commercial Information Provided in Confidence  
Section 43 (2) Commercial Interests

**Section 27(1)(a)**

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 international arbitration could damage our ability to have candid conversations in the future with Canadian officials.

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 Canada. 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 Canadian Government could potentially damage the bilateral relationship between the UK and Canada. This would reduce the UK government's ability to protect and promote UK interests through its relations with Canada, 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 27 (1)(c)**

The disclosure of the information which you have sought would also be likely to prejudice the interests of the UK abroad.

Section 27(1)(c) is a qualified exemption and as such we have considered where the greater public interest lies. Disclosure could meet the public interest in transparency and accountability. However, the 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 a particular situation within Bolivia could potentially damage the relationship between the UK and that state. The relationship is ongoing and comments - even dating back some time - could be taken into account by that state. 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 in the circumstances below.

### **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 41(1)(b)**

Some information has also been withheld under Section 41(1)(b), as it is information that was provided in confidence. It is our view that disclosure of this information would constitute

an actionable breach of confidence and so disclosure would also be unlawful under the Act. In these circumstances, Section 41 of the Freedom of Information Act confers an absolute exemption on disclosure and there is no public interest test to apply.

### **Section 43(2)**

Some information has been withheld under section 43(2) of the Act as its disclosure would or would be likely to prejudice the commercial interests of any person. This exemption requires the application of a public interest test.

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 general 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. In this case, after such consideration we believe that the public interest in withholding the limited amount of information which has been redacted outweighs the public interest in its release.

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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Yours sincerely,

Desk Officer for Bolivia  
South America Department

