



Foreign &
Commonwealth
Office

Arabian Peninsular and Iran Department
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05 July 2017

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0555-17

Thank you for your email of 7 June asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

We refer to the meeting which took place between the then Foreign Secretary Philip Hammond, the then US Secretary of State John Kerry and representatives of a number of European banks on 12 May 2016 at No.1 Carlton Gardens.

According to press reports, Secretary of State Kerry clarified for foreign financial institutions the rules regarding doing legitimate business with Iran following the implementation of the Joint Comprehensive Plan of Action. It was also reported that the relevant European banks shared their reasons for not engaging in Iranian business. Please provide us with a copy or copies of any and all notes taken of the meeting by the Foreign and Commonwealth Office officials and employees.

I can confirm that the Foreign and Commonwealth Office (FCO) holds information relevant to your request. I enclose a copy of the minutes of the meeting, recorded by a Foreign and Commonwealth Office official.

Some information has been withheld under Section 41 of the FOIA – information provided in confidence. Disclosure of some of this information 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.

Some information has also been withheld under Section 27 (1)(a) and (2) of the FOIA – international relations. Section 27 is a qualified exemption and is subject to a public interest test.

Section 27(1)(a) of the FOIA recognises the need to protect information that would be likely to prejudice relations between the UK and other states if it was disclosed. In this case, the release of information relating to discussions with US Government representatives and banks on the subject of banking with Iran could harm our relations with both Iran and the US. Section 27 (2) of the FOIA recognises the need to protect information provided in confidence to the UK Government by another Government. In this case, the information being withheld

relates to confidential discussions held between representatives of the UK and US Governments.

The application of s.27(1)(a) and (2) require us to consider the public interest test arguments in favour of releasing and withholding the information. We acknowledge that releasing the minutes of this meeting would increase public knowledge about the issue of banking with relation to Iran, and the discussions that have taken place regarding this between representatives of the UK and US Governments. However, s.27(2) recognises that disclosure of information that was given to us in confidence would damage our relationships with the individuals concerned: they would be more guarded and less co-operative in their dealings with us, which would hamper our ability to engage with them in the future.

In addition, s.27 (1) (a) recognises that 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 would be hampered, which would not be in the public interest. The disclosure of information detailing our relationship with the US Government could potentially damage the bilateral relationship between the UK and US. This would reduce the UK Government's ability to protect and promote UK interests through its relations with the US, which would not be in the public interest. For these reasons we consider that the public interest in maintaining these exemptions outweighs the public interest in disclosing the information.

Some of the information 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 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. Failure to protect such commercially sensitive information would limit the sources of information and interlocutors available to the FCO and it would seriously impair our ability to work for UK interests in a safe, just and prosperous world. We therefore consider that the public interest lies in maintaining the exemption in relation to this information.

Yours sincerely,

Arabian Peninsular and Iran Department

