



Foreign &
Commonwealth
Office

Americas Directorate
Foreign and Commonwealth Office
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10 April 2017

Your Freedom Of Information Request: 1109-16

Thank you for your request for information which we received on 5 December 2016. In your request you asked for;

"I would like to make a FOI request concerning the visit of Colombian General Carlos Ospina Ovalle to the UK in the year 2004 and the visit of Colombian General Jorge Enrique Mora to the UK in the year 2000.

For each visit, I would like to request the:

- Official reason for visit
- Transcript of any meetings with the Generals or representatives of the Generals
- Memos
- Reports
- Briefing documents or the equivalent of correspondences
- Telephone records and any notes made during and after telephone calls regarding their visit

- Correspondence includes any type of correspondence frequently used by the department, including text messages and private emails.

For each of the visits, I would like to request:

- Date
- Time
- Place
- Attendee list including name (where disclosable under requirements of DPA) and job title of each attendee
- Minutes"

I am pleased to inform you that we have completed our assessment of the balance of public interest and attached information relevant to your request. Some of the information relevant to your request has been redacted or withheld under exemptions permitted by the FOI Act (2000). Redactions have been annotated with the relevant exemptions applied.

Section 26 (1) (b), Defence.

Some of the information within the scope of your request has been considered for exemption under Section 26 (1) (b) of the Act. Section 26 (1) (b) allows for the withholding of information if it is likely to prejudice the operational effectiveness of Armed Forces of the Crown or any armed forces with whom they are working. The decision on whether to invoke this exemption is based on a public interest test. Factors in favour of release are the benefits of increase in public knowledge that releasing the information will have in terms of informing public debate. However, these benefits need to be balanced against the risks that releasing the information could have on the success of military operations and the security of our troops.

Section 27 (1) (a), International Relations.

Some of the information within the scope of your request has been considered for exemption under Section 27(1)(a) of the FOI Act and been redacted or withheld. Section 27(1)(a) recognises the need to protect information that would be likely to prejudice relations between the UK and other states if disclosed.

The application of Section 27(1) requires us to consider public interest arguments in favour of releasing and withholding the information. We acknowledge that releasing some of the information in the document found may increase public knowledge about the contact between the UK and Colombia and third countries. The disclosure of some information we have found could potentially damage the relationships of the UK-Colombia, and third countries. This would reduce the British Government's ability to protect and promote UK interests through its international relations, which would not be in the public interest.

Section 35 (1) (a) Formulation of Government Policy.

Some information within scope of your request has been considered for exemption under Section 35 (1) (a) of the FOI Act. Section 35 (1) (a) relates to the formulation of government policy and is a qualified exemption, requiring the application of a public interest test. It is recognised that there is public interest in the greater transparency in the decision making process within public authorities. However, officials need to be able to conduct rigorous and candid assessments when developing policy and offering advice to Ministers. This includes consideration of the pros and cons when asking Ministers to make decisions, and the development of public statements or press lines. In this case, disclosure of this information may inhibit the free and frank discussion of preparations for future visits by foreign dignitaries, including invitations and public communications. This could inhibit the FCO's ability to effectively maintain international relations and would not be in the public interest. Therefore we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Section 38 (1)(a) & (b) Health and Safety

Some information within scope of your request has been considered for exemption under Section 38 (Health and Safety) of the FOI Act. Section 38 (1) allows the exemption of information, that if released would be likely to (a) endanger the physical or mental health of any individual, or 38(1)(b) endanger the safety of any individual. This exemption requires the application of a public interest test. We recognise that the release of such information would demonstrate openness and public accountability of the full programme of visiting officials and dignitaries, including location of venues and accommodation. However, there is a risk

that disclosure of these details could endanger the safety of future visits. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosure.

Section 40, Personal Data

Some of the information you have requested has been redacted or withheld under Section 40 of the Act. Section 40 allows exemption for 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 FOI 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. Section 40 is an absolute exemption and therefore a public interest test is not required.

Section 43 (2), Commercial Interests.

Some information relevant to your request has been redacted or withheld under Section 43 (2) Commercial Interests). Section 43(2) of the Act allows the exemption of information that could undermine or prejudice existing or future commercial proceedings of any person, including the public authority holding it. Section 43 of the Act is a qualified exemption and we are required to consider the balance of the public interest in releasing or withholding the information. We recognise that there is a public interest in transparency of the FCOs interaction with commercial organisations and accept that commercial sensitivity will often diminish over time. However, the FCO relies on relationships with commercial organisations, alongside other stakeholders with expertise in the countries that we work in. By disclosing some of the information relevant to your request, there is a risk that the FCO may be considered to be in breach of confidence. It may also damage relationships with other companies and commercial organisations, which would impede our ability to promote the UK's interests. Therefore, we have judged that it would not be in the public interest to release this information.

Yours sincerely,

South America Department



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.