



Foreign &
Commonwealth
Office

Political Section
UK Representation to the EU
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10 March 2017

FREEDOM OF INFORMATION ACT (FOIA) REQUEST REF: 1046-16

Thank you for your request for information which was received on 10 November 2016. I apologise that it has taken so long to provide you with an answer.

You wrote as follows:

"I write to request particular information under the Freedom of Information Act 2000 regarding communications between certain named organisations and the UK's Permanent Representation (UKRep):

- 1. Letters, emails or other correspondence outlining or promoting policy decisions received by the UKRep from TheCityUK, City of London Corporation and British Bankers' Association regarding the position that should be taken by the UK in the European Union.*
- 2. Letters, emails or other correspondence outlining or promoting policy decisions received by the UKRep from TheCityUK, City of London Corporation and British Bankers' Association regarding the position that should be taken by the UK during negotiations on and surrounding Britain's exit from the European Union.*
- 3. Any responses sent to the organisations specified in (1) and (2).*
- 4. Any minutes of meetings in which a member of the UKRep was lobbied by TheCityUK, City of London Corporation or British Bankers' Association on the government's negotiating position.*
- 5. This request covers the period of 1 April 2016 to 18 October 2016."*

I can confirm that we have completed a search and I can confirm that UKRep does hold information falling within the terms of your reference. Please find enclosed a document we are releasing within the terms of the request.

Under section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you. The results of our search included two reports

1. "Banking and Brexit: What is "passporting", why does it matter and what might replace it?"; and
2. "An orderly exit from the EU".

This are published on the British Bankers' Association website at <https://www.bba.org.uk/wp-content/uploads/2016/12/webversion-BQB-3-1.pdf> and <https://www.bba.org.uk/wp-content/uploads/2016/12/webversion-BQB-2-1.pdf>.

However, we have come to the conclusion that the rest of the information is exempt under a combination of sections 27(1) (prejudicial to the effective conduct of international affairs); section 29(1)(a) (economic interests of the UK) and section 35(1)(a) (prejudicial to the formulation and development of government policy). These all trigger assessments under the public interest test, whereby the public authority must weigh the public interest in maintaining the exemption against the public interest in disclosure.

Section 27(2)

These documents, if released would, in our view, potentially damage relations with both other Member States and the EU Institutions, damaging our interests overseas. Whilst there is clearly a public interest in furthering awareness of thinking in those organisations and Governments on the policy issues to which this request refers, there is a stronger argument in favour of ensuring that the UK Government can continue to have detailed and frank conversations with those parties, not least as we negotiate the UK's exit from the EU. UKRep needs to be able to understand the perspective of people in those organisations and countries, and indeed influence their views and activities, in order to inform and deliver UK objectives in Europe. Reluctance on their part to engage with HMG as a result of the release of information setting out their views on such matters would mean we could no longer inform the best approach by the UK, impacting on our ability to negotiate effectively and damaging UK interests as a result.

Section 29(1)(a)

Whilst there is a public interests in ensuring the public can understand the impact of decisions by HMG on the economy, not least in the context of the UK's exit from the EU, the release of such information carries significant risk around the stability of the UK economy and the financial markets at this time. Specifically information held in relation to this request may be seen, accurately or otherwise, to indicate the impact of the UK's exit on UK financial services, thereby harming the commercial interests of the City Corporation. We therefore conclude it is not in the public interest to release this information.

Section 35(1)a

The EU is a complex organisation and one of the most lobbied in the world. UKRep needs to be able to understand the perspective of those stakeholders, and indeed influence their views and activities, in order to inform and deliver UK objectives in Europe. Reluctance on the part of UKRep to feel able to engage in candid exchanges of views with external stakeholders would result in less informed and therefore less effective policy making. There is a strong public interest in protecting the space that Ministers and officials have in which to consider and discuss options, including with external stakeholders, to ensure that policy is given full and proper consideration. For these reasons, we consider that the public interest in maintaining this exemption outweighs the arguments in favour of disclosure.

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UKRep