



Foreign &
Commonwealth
Office

Americas Directorate

Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

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

24 October 2016

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0743-16

Thank you for your request for information under the Freedom of Information Act (FOIA) 2000 which we received on 02 August 2016. You asked for:

1. *[Copies of] all materials held by the British Embassy in Colombia regarding the security arrangements made by British Petroleum PLC and its subsidiaries between 1 January 1995 and 1 January 1997. If it assists, you may limit your search to Casanare Province only.*

We are writing to confirm that we have now completed the search for the information which you requested. Please find attached the information that the FCO can release to you.

Some of the information within the scope of your request is exempt under Section 27(1) of the FOIA – international relations. Section 27(1) 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 all of the information we found in our search for documents would increase public knowledge about the FCO's interaction with British Petroleum PLC in Colombia. However, Section 27(1) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. The disclosure of some of the information held 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.

Some of the information you have requested is exempt under section 40(2) of the FOIA. Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of the information would, among other things, contravene one of the data protection principles in schedule 1 of the Data Protection Act. In this case, we believe disclosure would contravene the first data protection principle,

which provides that personal data must be processed fairly and lawfully. Section 40(2) is an absolute exemption and the FCO is not obliged to consider whether the public interest favours disclosing the information.

Some of the information is exempt under section 38 (1) (a) and (b) as disclosure would or would be likely to endanger the physical or mental health of any individual or endanger the safety of any individual. This qualified exemption requires the application of the public interest test. In applying the public interest test we took into consideration the factors in favour of disclosure; in this case that releasing such information would demonstrate further openness and public accountability in the FCO's communications with British companies in Colombia. We balanced this against the grounds for non-disclosure, which rests on the fact that the FCO has a duty of care to their personnel working overseas. Disclosure of the specific details of operating procedures might expose personnel to significant risk to their personal safety. On balance we concluded that the public interest in maintaining this exemption outweighs the public interest in disclosure.

Some of the information we found during our document search is accessible by other means, and is therefore exempt information under Section 21 of the FOIA. We found a Spanish record of a written question and answer in the European Parliament on British Petroleum in Colombia, but this document can be found online in the Official Journal of the European Communities in English (<http://eur-lex.europa.eu/oj/direct-access.html>). We have attached our copy of the document to assist you in finding the version on the suggested website.

Finally, 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 weighed against the need to allow businesspeople and commercial organisations the space to conduct their lawful business competitively and without fear of disclosure of sensitive commercial information. If, through the disclosure of this information, companies and future innovators become reluctant to engage with the FCO, our ability to help companies in export markets and to develop our contacts would be harmed. There is also a considerable risk that the companies and individuals still choosing to engage with the FCO would share less or incomplete information because of the risk that any information supplied would be released into the public domain. In doing so, it would seriously impair our ability to work for UK interests in a safe, just and prosperous world. For these reasons we consider the balance of the public interest lies with withholding this information.

Yours sincerely,

South America Department

