



Foreign &
Commonwealth
Office

Africa Directorate
Foreign and Commonwealth Office
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09 March 2018

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: FOI 0961-17

Thank you for your email of 17 October asking for information under the Freedom of Information Act (FOIA) 2000. You asked for:

“information regarding Boris Johnson’s dinner at the DBHC (British Deputy High Commission) residence in Lagos on 31 August 2017 during his visit to Nigeria. Please provide any briefing notes prepared for Boris Johnson ahead and/or after the dinner and the name and title of the representatives of British business interest in Nigeria present before and/or during and/or after the dinner.”

I am writing to confirm that we have now completed the search for the information which you requested. Please find attached the briefing notes prepared for the Foreign Secretary ahead of the dinner which includes the titles of the representatives present.

Some of the information in the brief has been withheld under Section 27 – international relations, section 35 – formulation of government policy, section 40 – personal information and Section 43 – commercial interests.

The effective conduct of international relations depends upon maintaining trust and confidence between Governments. This relationship of trust allows for the free and frank exchange of information on the understanding that it will be treated in confidence. If the UK does not respect such confidences, its ability to protect and promote UK interest through international relations will be prejudice. States and international organisations may be more reluctant to share sensitive information with the UK Government in future, and may be less likely to respect the confidentiality of information supplied by the UK Government to the detriment of UK interests. For all these reasons, we consider that in all the circumstances of the case, the public interest in maintaining this exemption outweighs the public interest in disclosing the information covered by Section 27 (1)(a) and Section 27 1(b).

Some information has been withheld under section 35(1)(a) as it relates to the formulation of government policy. This exemption requires the application of a public interest test. There is public interest in protecting policy-making processes and ensuring this process remains

able to deliver effective government. This is considered against the public interest in making publicly available information about policy-making processes. We consider that the balance of the public interest lies in favour of withholding certain information in relation to your request because it relates to ministerial correspondence and the operation of private offices, which are necessary to develop and deliver government policy.

Some of the withheld information is personal data relating to third parties. It is our view that disclosure of this information would breach the first data protection principle, which states that personal data should be processed fairly and lawfully. Section 40(2) and (3) of the Freedom of Information Act therefore apply. It is the fairness aspect of this principle which we think would be breached by disclosure in this case. In such circumstances section 40 confers an absolute exemption on disclosure. We do not therefore have to apply the public interest test.

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. The use of this exemption was carefully considered, specifically factors in favour of disclosure of this information including the general public interest and greater transparency and accountability 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. 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 limit the FCO's ability to promote the British economy and lobby for the interests of British businesses overseas. In this case after such considerations, we believe that the public interest in withholding the redacted information outweighs the public interest in its release

You can apply directly to the Information Commissioner. However, the Information Commissioner will not normally make a decision unless you have first exhausted the complaints procedure provided by the FCO. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

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