



Foreign & Commonwealth Office

Polar Regions Department
Overseas Territories Directorate
King Charles Street
London SW1A 2AH

21 February 2018

FREEDOM OF INFORMATION ACT 2000 REQUEST – Ref: 0086-18

Thank you for your email of 24 January 2018 asking for information under the Freedom of Information Act (FOIA) 2000. You asked for:

“...information on the engagement of Foreign and Commonwealth Office’s Polar Regions department towards marine protection in the Antarctic, specifically the creation of a marine protected area in the Weddell Sea, since September 2017

This should include:

- *Correspondence, both within the Polar Regions department and with external organisations, on the subject*
- *Any memos written on the subject*
- *Details of any meetings (including the date, attendees, agenda, minutes, briefing papers etc) on the subject*
- *Any other representations made by outside organisations to the department or its ministers on the subject”*

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

Please find attached the information that the FCO can release to you. Some of the information has been withheld using section 27 – international relations; section 35 – formulation of government policy and section 40 – personal information. Section 27 and 35 are qualified exemptions and are subject to public interest tests.

Section 21

Some of the information we hold which is relevant to your request is, in our view, already reasonably accessible to the applicant. 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 the applicant. PQ answers on this subject are available to view at

<http://www.parliament.uk/business/publications/>

Section 27 (1) and (2)

Some of the information within the scope of your request is exempt under Sections 27(1)(a) and (2) of the Act as it relates to confidential Government to Government discussion with

other States and international organisations (in this instance, the EU and its Member States; and the UK's relationship with other Members of the Commission for the Conservation of Antarctic Marine Living Resources). Releasing information shared with the UK on a confidential basis could undermine the UK's and the EU's role within the CCAMLR and the Antarctic Treaty System.

If we want to continue to play an influencing role, then our bilateral relationships with the EU and its Member States need protecting. 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 and negotiation on conservation measures development on the understanding that it will be treated in confidence. If the United Kingdom does not respect such confidences, its ability to protect and promote UK interests through these international organisations will be hampered, 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.

Section 35

Some of the information you request is exempt under Section 35(1)(a) as it related to the formulation of government policy. In this case the information held by the department regarding the discussions and development of proposals for protective measures within the Weddell Sea are exempt. Officials need to be able to conduct rigorous and candid risk assessments of their policy development including considerations of pros and cons without there being a risk of premature disclosure, which might close off better options and inhibit the free and frank discussion of all options available. For this reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Section 40

Some of the information you have requested is personal data, which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information 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. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Yours sincerely,

Head of Marine Conservation

