



## Foreign & Commonwealth Office

28 September 2009

### **Freedom of Information Request**

I am writing to confirm that the Foreign and Commonwealth Office has now completed its search for the information which you requested on 16 June 2009. In that request, you asked us for:

The minutes and briefing documents for these meetings relating to Egypt or Libya held between Royal Dutch Shell employees & FCO staff or ministers:

- A) 31 Mar 2005 Location FCO London Present 2 attendees
- B) April 2005 Location Unknown Present Malcolm Brindred - Shell + 1 attendee
- C) 6 April 2005 Location Tripoli Present Anthony Layden - FCO + 1 attendee
- D) 18 April 2005 Tripoli Anthony Layden - FCO + 1 attendee
- E) 26 April 2005 Tripoli Anthony Layden - FCO + 1 attendee
- F) 28 April 2005 Tripoli Anthony Layden - FCO + 2 attendees
- G) June 2005 Tripoli + 2 attendees
- H) 26 July 2005 Tripoli Mark Hope - Shell + 1 attendee
- I) 21 March 2006 Location British Embassy Cairo Present HRH Prince Wales Sir Derek Plumbly - FCO Zailul Rahim Mohamed Zain - Shell
- J) 13 February 2007 Location Tripoli Present : Vincent Fean - FCO Mark Hope - Shell + 1 attendee
- K) 3 October 2007 Location Unknown Present: David Miliband - FCO, Malcolm Brindred - Shell

I can confirm the Foreign and Commonwealth Office does hold some information falling under the terms of your request.

A copy of the releasable information is attached. We have no minutes or briefing for items B, E, H, I, J & K listed above.

Some of the information held is exemption under Section 40: Personal Information of the FOI Act. This exemption requires the public interest test to be applied.

Some of the data you requested on the meetings constitutes personal information under Section 40 of the Act, the disclosure of which would contravene one of the data protection principles. In such circumstances, Section 40 (2) and (3) of the FOIA applies. 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, Section 40 confers an absolute exemption on disclosure. Only the names of public figures have been included.

Section 27(1)(a) and (2) (International Relations) of the FOIA recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states and/or relations between the UK and any international organisation if it was disclosed. In this case, the release of information about relations between the UK and Libya could harm our relations with Libya and the UK relations with commercial partners. The application of s.27(1)(a) and (b) requires us to consider the public interest test arguments in favour of releasing and withholding the information.

We acknowledge that releasing information on this issue would increase public knowledge about our relations with Libya and commercial partners. But s.27(1)(a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments and organisations. If the United Kingdom does not maintain this trust and confidence, its ability to protect and promote UK interests through international relations will be hampered, which will not be in the public interest. The disclosure of information detailing our relationship with the Libyan government and Shell could potentially damage the bilateral relationship between the UK and Libya. We also considered under s27(1)(b) the impact releasing the information would have on the effective conduct of international relations in maintaining trust and confidence between Governments and international organisations, in this case Shell. 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 United Kingdom does not respect such confidences, its ability to protect and promote UK interest through international relations will be prejudiced. Shell may be more reluctant to share sensitive information with the United Kingdom Government in future and may be less likely to respect the confidentiality of information supplied by the United Kingdom Government, to the detriment of UK interests. This would reduce the UK government's ability

to protect and promote UK interests which would not be in the public interest. For these reasons we consider that the public interest in maintaining these exemptions outweighs the public interest in disclosing it.

Some of the information is exempt under Section 43(2) of the Act, which relates to commercial interests. There is a public interest in the disclosure of commercial information to ensure effective, open and honest use of public money and the scrutiny of public licensing in accordance with published policy and to provide an environment where business can better respond to government opportunities. However, we consider that this transparency also poses risks to the protection of commercially confidential information, or information which if released, would harm the commercial interests of any body, including the UK. This would limit the sources of information and interlocutors available to the FCO. 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 that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

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