30 September 2011

Research Co-ordinator
Campaign Against Arms Trade
11 Goodwin Street
London
N4 3HQ

Dear [Name],

FREEDOM OF INFORMATION REQUEST: FOI 0654-11

Thank you for your email of 16 June asking for information under the Freedom of Information Act. I apologise for the delay in responding to this request. In your request you asked about the Defence and Security Equipment International Exhibition 2011 (DSEi 2011), and specifically requested copies of the following:

1) the document or communication containing the invitation list that was provided by UK Trade and Investment Defence and Security Organisation (UKTI DSO) to the FCO for consideration and approval (including the proposed invitation list)
2) the document or communication containing the approved list to UKTI DSO in response;
3) any further documents or communications containing proposed or definite alterations to that list.

I can confirm that the Foreign and Commonwealth Office does hold information which falls within the scope of your request. In response to your first question, a copy of the original email request from UKTI DSO to the FCO seeking country clearance is enclosed. With regards to your requests seeking the proposed invitation list, the approved list to UKTI DSO and any further proposed or definite alterations to that list, a digest of the releasable information is also enclosed. However, I am unable to provide you with all the information held as some of the information that you have requested is exempt under Section 27 ‘International Relations’ of the Freedom of Information Act 2000. This exemption states that information is exempt if its disclosure under this Act would, or would be likely to, prejudice-relations between the United Kingdom and any other State. This exemption is a qualified exemption and requires the public interest test to be applied.
We recognise that there is a public interest in the attendees of defence exhibitions and in their reasons for attendance. However, there is also public interest in withholding information which concerns another state, where relations with that state might be harmed by release.

The effective conduct of the UK’s international relations depends upon maintaining trust and confidence with other 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 maintain this trust and confidence, its ability to act as a significant player in the international arena, and protect and promote UK interests through international relations, will be hampered. For all these reasons, we consider that the public interest in withholding the information outweighs the public interest in disclosing it.

In addition, some documentation exchanged between FCO and UKTI DSO has been exempt under Section 35 ‘Formulation of Government Policy’. The Act states, “Information held by a government department or by the National Assembly for Wales is exempt information if it relates to (a) the formulation or development of government policy”. This exemption is a qualified exemption and requires the public interest test to be applied.

We recognise also that there is a justified interest in the process that is conducted by the Government in considering official invitations to the Defence and Security International Exhibition. Furthermore it is in the public interest that Government is able to conduct free and frank exchanges of views for the purposes of deliberation without being inhibited. It is our assessment that release of certain information would be damaging to both our international relations and to the formulation of government policy and therefore we concluded, it would not be in the public interest to disclose this information.

In consideration of the public interest I would like to give some detail on the processes followed in considering the invitations for DSEi 2011. UKTI DSO values the views of the FCO in assessing the clearance lists for security and defence exhibitions. FCO officials consider the clearance list sent from UKTI DSO and submit recommendations for country clearance to the appropriate Minister. The Minister’s response is subsequently communicated to UKTI DSO for inclusion in the submission to their Minister. UKTI DSO has the final decision on which Official Government delegations to invite from the list of cleared countries. The clearance process this year fully took into account events earlier in the year in the Middle East and North Africa.

Some of the information you have requested is however, personal data relating to third parties, the disclosure of 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 section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.
I hope you are satisfied with this reply. If you wish to make a complaint or if you would like a review of our decision, please write to the Information Rights Team at The Old Admiralty Building, Room SG 120, London, SW1A 2PA. E-mail: dp-foi.img@fco.gov.uk. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have 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.

We continually strive to improve our service, so we would welcome your feedback and comments. If you would like to provide feedback on our service, please email our Information Rights Team, again at: dp-foi.img@fco.gov.uk.

You can also find out more about the FCO and freedom of information issues at our Access to Information website: http://foi.fco.gov.uk/en.

Yours sincerely,

Information Rights Team

We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.
List of countries and organisations invited to the Defence and Security Equipment International 2011

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As I mentioned, we are now preparing for the Defence Systems & Equipment International 2011 (DSEi11) exhibition which will take place 13-16 September 2011 and I would be grateful for your help in obtaining FCO Minister's approval to invite country delegations on behalf of the UK Government.

A list of countries is attached, they have been nominated by Head of UKTI Defence & Security Organisation, subject to Ministers' approval. We would appreciate a final FCO response by 30th November 2010 to enable us to send invitations in time to allow key people to reserve time in their diaries. As you will understand, diary plans are usually made many months in advance, hence the wish to make early progress.

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I would be grateful if you would seek your Minister's comments on the list as follows:

Countries which can be invited now;
Countries which should be considered for invitation closer to the date of the exhibition;
Countries which should not receive an invitation.

When we have your Minister's response, we will seek approval from Mark Prisk MP, Minister of State for Business & Enterprise to send invitations to those countries your Minister has approved and will inform MOD Minister Defence Equipment and Support.

You may wish to assure your Minister that all foreign delegations attending DSEi11 as UK Government guests are escorted and guided throughout the event by military and civilian members of UKTI DSO, to fulfil a customised programme put together by DSO. Countries are made aware that attending as a UK Government guest does not mean that they can automatically expect to be able to export any of the goods on display, or being promoted at the event. The event organisers invite UK and foreign company representatives exhibiting and promoting goods at the exhibition and general trade visitors. The organisers draw exhibitors' attention to UK law on import/export/promotion of defence goods, including those which are banned or restricted. Representatives of BIS's Export Control Organisation (ECO) are present while the event is set up to advise companies present, and issue licences to exhibitors if required.

I will be leaving UKTI DSO on 29 October, so I would be grateful if you would send any related correspondence after that date to email:  Tel:  

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