Dear [Name],

Thank you for your email of 4 April where you requested the following information:

"Transparency data. DIT ministers' meetings: October to December 2018" lists a meeting between Liam Fox and BAE Systems on 29.10.2018. The purpose of the meeting was "To discuss the UK Government response to the killing of Khashoggi and BAE Saudi interests."

Please send me all notes or minutes of the meeting, all preparatory documents, all communications relating to the meeting (before or after), and a list of those present.

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:
- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

I can confirm the Department does hold information that falls within the scope of your request.

The information being released at Annex A is a copy of the meeting minutes held by the Department within the scope of your request.

The information being released is a redacted version of the official record. Much of this information is of a sensitive nature and is therefore being withheld under Section 27(1), Section 35(1)(a), Section 40(2) and Section 43(2) of the Act.

After considering the release of a briefing held by the Department, related to this meeting and within the scope of your request, we have determined that disclosure of this would be against the public interest under Section 36 (prejudice to effective conduct of public affairs) of the Act. This information is therefore being withheld in its entirety under Section 36(2)(a) and (b) of the Act.
Section 27(1) (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 requires us to consider public interest arguments in favour of releasing and withholding the information. The disclosure of the information held could potentially damage the bilateral relationship between the UK and other states. This would reduce the UK government's ability to protect and promote UK interests through its relations with these states, 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 this information.

Section 35(1)(a) (Formulation or Development of Government Policy)

Section 35(1)(a) covers any information relating to the formulation and development of government policy in order to provide a safe space for policymaking. Under Section 35 we recognise that there is a general public interest in disclosure of such information and that greater transparency enables the public to assess the quality of policy formulation and guidance which makes Government more accountable to the electorate. However, disclosure also poses a risk to the protection of the decision-making process which needs to be based on a broad assessment and discussion of options. In order to deliver effectively Government must be able to discuss future options, explore all plausible scenarios and set the scene in as full a way as possible. If that information were to be put into the public domain, it would seriously undermine the Government's ability to formulate policy without concern about the possible reactions from external sources. We have therefore concluded that disclosure would not be in the public interest.

Section 36 (Prejudice to effective conduct of public affairs)

Section 36(2)(b) is a qualified exemption and is therefore subject to the public interest test. Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information would, or would likely, inhibit the free and frank provision of advice, or the free and frank exchange of views for the purpose of deliberation. The rationale for this is that inhibiting the provision of advice or the exchange of views may impair the quality of decision making by the public authority. Civil servants and other public officials are expected to be impartial and robust when giving advice, and not easily deterred from expressing their views by the possibility of future disclosure and that the loss of frankness and candour could damage the quality of advice and deliberation leading to poorer decision making. This exemption is about the process that may be inhibited, rather than what is in the information.

Section 36 (2)(c) is a qualified exemption and is therefore subject to the public interest test. Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information would or would likely to prejudice the effective conduct of public affairs. This exemption is about the process that may be inhibited, rather than what is in the information.

Whilst there is a public interest, on transparency grounds, in favour of disclosing information relating to the Government's interactions with business, we consider that releasing this information also poses a risk to the frank and open exchanges often associated with these dialogues. Civil servants and other public officials would be inhibited from expressing themselves freely and frankly in these dialogues if there were a real possibility of disclosure under the Act. We have therefore determined the public interest in providing a 'safe space' to develop ideas, debate live issues, and reach decisions away from external interference and distraction outweighs the public interest in releasing this information.
Section 40(2) (Personal Information)

Section 40(2) of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. The exemption is designed to address the tension between public access to official information and the need to protect personal information. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act.

Senior officials should expect it fair that their details may be disclosed as part of a FOI response as their posts carry a greater level of accountability, since they are likely to be responsible for major policy decisions and the expenditure of public funds. However, having factored in the nature of the request and the responsibilities of the employees in question we do not consider the right of public access to official information to outweigh the right of junior members of staff to have their personal information protected.

Section 43(2) (Commercial Interests)

In relation to this withheld information, we recognise that the use of Section 43(2) is subject to a public interest test: in this context, we recognise that there is a general public interest in the disclosure of information as greater transparency makes Government more accountable to the electorate.

We appreciate that there is a public interest in understanding the nature of commercial deals, and of Government interaction with the companies making those deals. However, it is also important that businesses are able to share commercially sensitive information with Government in the confidence that this information will not enter the public domain and damage their wider commercial interests and opportunities.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to the Information Rights Unit:

Information Rights Unit
Department for International Trade
3 Whitehall Place
London
SW1A 2AW Email: foi@trade.gov.uk

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

Department for International Trade
SoS meeting with BAE Systems – 29/10/2018

Present:
Liam Fox, Secretary of State for International Trade (SoS)
Special Advisor to the Secretary of State for International Trade
Private Secretary to the Secretary of State for International Trade
Charles Woodburn, Chief Executive of BAE Systems (CW)
Bob Keen, Head of Government Relations for BAE Systems (BK)

*to note that no DIT Officials, other than SoS’ PS, were present as it was expected DSO Director recruitment would be discussed

Readout:

1. [Blacked out]

2. SoS said the Khashoggi incident

3. [Blacked out]

4. SoS asked whether this incident, and the potential wider implications, could impact jobs in the UK.

5. [Blacked out]

6. [Blacked out]

7. [Blacked out]