Department for International Trade

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Our ref: FOI2016/20779

07 November 2016

Dear Kyla Mandel,

INTERNAL REVIEW OF FREEDOM OF INFORMATION REQUEST FOI2016/20779

I am writing in response to your request for an internal review of the above case. I have now reviewed the information which was withheld by the Department in its response to your original request, and set out my decision below.

Your original request was made on 23 August where you requested the following information:

I am seeking information on Secretary of State for International Trade Liam Fox's trip to the United States at the end of July 2016.

Specifically, could you please provide me with the following:

- SoS Fox's full itinerary / itemised agenda for the trip which included stops in Chicago, Washington D.C. and Los Angeles
- Information on all meetings and correspondence between Fox and those U.S. organisations, government bodies, corporations, NGOs, think tanks, and individuals etc. arranged during this trip.

This should include, but not be limited to, the following

- *BP America, as referenced in a 26 July 2016 tweet by British Consul General Antonia Romeo3*
- *The Heritage Foundation, as referenced in a 25 July 2016 Tweet by Luke Coffey, director of Heritage's Allison Centre for Foreign Policy*

I would also like to have confirmed whether Fox met with any of the following organisations during the trip:

- *The American Legislative Exchange Council*
- *The CATO Institute*
- *The American Enterprise Institute*
- *The Heartland Institute*
- *The Competitive Enterprise Institute*
- *The American Petroleum Institute*
- *Americans for Prosperity*

For each meeting could I be supplied with the:
- Date / Location
- Names and titles of the people in attendance
- Agendas / Minutes / Briefings / Presentations

Similarly, for each item of correspondence, to include but not be limited to, telephone calls, letters, emails or text messages, could I be supplied with the:
- Time / Date
- Names and titles of other people party to the correspondence
- Any attachments to emails or supplementary documents included
- Any associated documents generated as a direct result of this conversation e.g. briefing notes, minutes, mems, transcripts or summaries

The Department responded to your request on 13 September 2016 explaining that it did hold information within scope of your request but it was withholding it under Section 27 (1) (a), international relations, of the FOI Act.

In compliance with guidance set out in the FOI Act, I have conducted an internal review of the original response. In performing this review I have considered whether the original response to your request was correct. Having re-examined the handling of your request, I have concluded that the Department should release in part some of the previously withheld information in order to deal with your request appropriately.

The particular focus of your request for an internal review is focused on the following section of your request and the related answer:

Your request

1) SoS Fox's full itinerary / itemised agenda for the trip which included stops in Chicago, Washington D.C. and Los Angeles

2) Information on all meetings and correspondence between Fox and those U.S. organisations, government bodies, corporations, NGOs, think tanks, and individuals etc. arranged during this trip.

3) This should include, but not be limited to, the following

- *BP America, as referenced in a 26 July 2016 tweet by British Consul General Antonia Romeo*
- *The Heritage Foundation, as referenced in a 25 July 2016 Tweet by Luke Coffey, director of Heritage's Allison Center for Foreign Policy*

I can confirm that the Department holds information falling within scope of these requests. This information is withheld in accordance with Section 27(1) – international relations.

The Department's response

Section 27(1) (a) 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(1) (a) 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 United States. This would reduce the UK government's ability to protect and promote UK interests through its relations with United 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 it.

Internal review decision

Having reviewed the Department's response I have concluded that it would be appropriate to release further details of the records held relating to your request.

1) The Department does hold a record of the itinerary of the trip but this is withheld under Section 22 of the Act as this information intended for future publication.

2) The department does hold the notes of meetings held during this trip and a redacted copy relating to meetings attended by the Secretary of State is attached at Annex A.

Within this document some details of meetings with US government organisations are redacted under Section 27 (1) (a) of the Act and meetings with commercial organisations under Section 43. This document also contains the record of the meeting with the Heritage Foundation.

Section 27

Section 27(1)(a) of the Act recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states if it was disclosed. In this case, the release of information relating to this meeting could harm the UK's relations with the USA.

Section 27(1)(a) is a qualified exemption and as such we have considered where the greater public interest lies. Disclosure could meet the public interest in transparency and accountability. However, the effective conduct of international relations depends upon maintaining trust and confidence between governments. If the UK 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 on our relationship with various states could potentially damage the relationship between the UK and those states. These relationships are on-going and the release of the details of certain meetings could 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 this exemption outweighs the public interest in disclosure.

Section 43

In relation to the withheld information, we recognise that the use of Section 43, commercial interests, 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.

We appreciate that there is a public interest in understanding the nature of the work of Government and how it interacts with business. However, in this case it is also important that Government protects commercially sensitive information to allow these particular organisations to continue to operate in anonymity to limit the exposure of their business strategy; the disclosure of which may be advantageous to competitors operating in the same sector.

3) The department also holds a list of attendees for the meeting with the Heritage Foundation and a letter of thanks to its president Jim de Mint; these are attached at Annex B and C respectively.

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,

Emma Squire

Head of Ministerial Strategy Directorate

Visit to the USA: Dr Liam Fox, Secretary of State

Washington

US Chamber of Commerce

- Roundtable discussion at the US Chamber of Commerce with member companies. The event was hosted by John Hopkins, CEO of Nuscale, and Myron Brilliant, Vice President at the US Chamber of Commerce.

[redacted]

US Trade Representative

- The SoS and Lord Price met Ambassador Mike Froman, US Trade Representative.

[redacted]

[redacted]

- [redacted]

Heritage Foundation

- The Secretary of State spoke at a Heritage Foundation lunch to explain the formation of the Department and UK priorities on trade and our EU renegotiation.
- Questions ranged across foreign and defence policy, the challenges posed by ITAR to UK defence industry collaboration and appetite to push for improvements to operation of the UK-US defence cooperation treaty.
- [redacted]

White House

- The SoS met Jeff Zients, Chairman of the National Economic Council. He was accompanied by Mike Froman (USTR), Jason Furman (Chairman of the Council of Economic Advisors) and Charlie Kupchan (Senior Director for European Affairs, NSC).

[redacted]

- [redacted]

Trade Lawyers.

- Roundtable discussion with US trade experts. Stuart E. Eizenstat, Former US Ambassador to the EU, Carla Hills, Former US Trade Representative, Warren Maruyama, former USTR General Counsel, Andy Shoyer, former legal advisor to the US Mission to the WTO, Pablo Bentes, Former Legal Advisor to the WTO appellate body.

[redacted]

[redacted]

Annex B

List of attendees for Heritage Foundation lunch

Jim DeMint
President

Bret Bernhardt
Executive Vice President

James Carafano, Ph.D.
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow

Luke Coffey
Director,
Douglas and Sarah Allison Center for Foreign and National Security Policy

Ed Corrigan
Group Vice President,
Policy Promotion

James Dean
Manager,
International and Diplomatic Programs

Steven Groves
Bernard and Barbara Lomas Senior Research Fellow,
Margaret Thatcher Center for Freedom

Kim Holmes, Ph.D.
Distinguished Fellow,
Douglas and Sarah Allison Center for Foreign and National Security Policy

Anthony Kim
Research Manager, Index of Economic Freedom, and Senior Policy Analyst,
Center for Trade and Economics

Daniel Kochis
Policy Analyst in European Affairs,
Margaret Thatcher Center for Freedom

Walter Lohman
Director,
Asian Studies Center

Ambassador Terry Miller
Director, Center for Data Analysis and the Center for Trade & Economics and Mark A. Kolokotrones Fellow in Economic Freedom

Bryan Riley
Jay Van Andel Senior Analyst in Trade Policy,
Center for Trade and Economics

Jack Spencer
Vice President,
Institute for Economic Freedom and Opportunity

James Wallner, Ph.D.
Group Vice President,
Research

Host:
Nile Gardiner, Ph.D.
Director,
Margaret Thatcher Center for Freedom

Annex C

Department for International Trade

The Rt Hon Liam Fox MP
[redacted]

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Jim DeMint
President
The Heritage Foundation
214 Massachusetts Ave NE
Washington DC 20002-4999

23rd August 2016

Dear Jim

[redacted]

I look forward to working with you as the new UK Government develops its trade policy priorities, including in high value areas that we discussed such as defence.

With all best wishes

Yours

THE RT HON LIAM FOX MP
[redacted]

Cc: Nile Gardiner
Luke Coffey