



Foreign &
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04 August 2014

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0095-14

Thank you for your email of 23 January 2014 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

“Can you please provide a list of those invited and those attending the following event held in connection with the Balance of Competencies Review: Foreign Policy:

Legal seminar at Lancaster House with legal academics and practitioners, 14 February 2013 (listed as an “Engagement Event” in Review of the Balance of Competences between the United Kingdom and the European Union: Foreign Policy
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/227437/2901086_Foreign_Policy_acc.pdf “

We have now completed the search for the information which you requested. I can confirm that the Foreign and Commonwealth Office (FCO) does not hold a list of those invited to the above event. However, we do hold some information relevant to your request. I must apologise for the delay in answering your request.

This event, hosted by the FCO, was attended by academics specialising in the field of EU law, and particularly external competence, as well as lawyers and officials from across Government. A detailed record of the Balance of Competence Academic Workshop on Foreign Relations Lancaster House Thursday, 14th February 2013 can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224225/evidence-legal-seminar-lancaster-house-14-feb-2013.pdf

However, the meeting was held under the Chatham House Rule, whereby *“participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed”* (www.ChathamHouse.org). For this reason, we have withheld a list of attendees under Section 41(1)(b), as it is

information that was provided in confidence. It is our view that disclosure of this information would constitute a breach of confidence and would therefore be unlawful under the Act. In these circumstances, Section 41 of the Freedom of Information Act confers an absolute exemption on disclosure and there is no public interest test to apply.

Some of the withheld information is personal data relating to third parties. It is our view that disclosure of this information would breach the first data protection principle, which states that personal data should be processed fairly and lawfully. Section 40(2) and (3) of the Freedom of Information Act therefore apply. It is the fairness aspect of this principle which we think would be breached by disclosure in this case. In such circumstances section 40 confers an absolute exemption on disclosure. We do not therefore have to apply the public interest test.

The FCO had a proactive stakeholder engagement plan to reach out to people using a range of communication tools, including targeted events, alongside publishing the call for evidence on the www.gov.uk website. The purpose of this outreach activity was to update stakeholders on the review and encourage them to submit evidence on the basis of their knowledge and experience of EU action. Those targeted included research bodies, businesses, trade and professional bodies, think tanks, universities and academics, non-governmental organisations, private individuals, civil society organisations and interest groups, legal bodies, devolved administrations, local authorities, the Crown Dependencies and Parliament. Every effort to publish the results of our outreach and stakeholder engagement was made. This included publication of the full set of evidence received as well as other relevant material.

Further information on the Review of the Balance of Competences can be found at <https://www.gov.uk/review-of-the-balance-of-competences>.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

Yours sincerely,

Europe - External



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.