

## Freedom of Information Act 2000 (FOIA)

### Decision Notice

**Date:** 29 March 2019

**Public Authority:** Department for International Trade  
**Address:** 3 Whitehall Place  
London  
SW1A 2AW

#### Decision (including any steps ordered)

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1. The complainant requested information relating to working groups established by the UK Government and various States to support post-Brexit trade negotiations. The Department for International Trade (DIT) disclosed some information and refused to disclose the remainder, citing sections 27 (prejudice to international relations), section 35 (formulation or development of government policy) and section 40 (third party personal data).
2. The Commissioner's decision is that the exemptions are engaged in respect of the withheld information, and the public interest in maintaining the exemptions cited outweighs the public interest in disclosing the information. Although the Commissioner has recorded some procedural deficiencies in the way the request was initially handled, she does not require DIT to take any remedial steps in this case.

#### Request and response

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3. The complainant submitted a request to DIT on 15 November 2017. He requested the following information in respect of 17 specified countries:
  - a. Confirmation that a working group exists for each of the countries listed, and any that have not been listed but where a working group exists.*
  - b. Information relating to any currently existing work-streams or plans for the establishment of working groups in the period leading up to Brexit.*

- c. The name of any working groups described at a.*
  - d. The date of the first meeting of the working group named at c. and then the dates of all subsequent meetings of these working groups.*
  - e. The list of invitees for each of the meetings set out in response to d.*
  - f. The list of attendees for each of the meetings set out in response to d.*
  - g. The agenda for each of the meetings set out in response to d.*
  - h. The minutes of each of the meetings set out in response to d.*
  - i. Any schedule for forthcoming meetings of the working groups described at a and/or b.*
4. In addition to the 17 specified countries, the complainant also asked to be provided with information held in respect of any other country where such a working group had been established. The full text of the request is set out in an annex at the end of this notice.
5. DIT advised the complainant on 12 December 2017 that it was considering the public interest in respect of the exemptions at section 27(1), section 27(3) and section 35(1)(a) of the FOIA. DIT issued a further holding letter on 16 January 2018.
6. DIT issued a substantive response to the complainant on 8 February 2018. At this point DIT disclosed some information to the complainant:
  - The names of 14 working groups established as of 15 December 2017. These groups involved 22 partner countries; two groups involved more than one country.
  - A link to publicly available information released by the United States of America.
  - Names of senior UK government representatives (and respective departments) who had attended at least one of the 14 working groups.
7. DIT withheld the remainder of the information it held under section 27(1), section 27(3) and section 35(1)(a) of the FOIA.
8. The complainant requested an internal review, and on 6 March 2018 DIT advised that the outcome of the internal review was to uphold the application of the exemptions cited.

## Scope of the case

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9. On 19 March 2018 the complainant wrote to the Commissioner to complain about DIT's response to his request. He asserted that the requested information ought to have been disclosed, providing a detailed submission in support of his complaint.
10. The Commissioner wrote to DIT on 1 August 2018. She asked DIT to clarify what relevant information it held, and what information had been withheld from the complainant since this was not clear from DIT's correspondence.
11. The Commissioner also asked DIT to provide more detailed and specific arguments with regard to its reliance on the exemptions at section 27 and section 35 of the FOIA. The Commissioner indicated her view that the arguments set out in DIT's correspondence were generic and did not demonstrate that the actual requested information had been considered.
12. The Commissioner did not receive a substantive response to this correspondence, and she issued an information notice under section 51 of the FOIA on 14 November 2018.
13. DIT responded to the information notice on 14 December 2018. At this stage it explained that it had expended considerable time and resources reconsidering the request in detail, including conducting a fresh search for information relevant to the request. DIT provided the Commissioner with a full copy of all the information it held that was relevant to the request. Each document contained tracked comments showing which exemption or exemptions were applied to each piece of withheld information, and explaining the reasons for DIT's position.
14. DIT provided a detailed response to the Commissioner's enquiries on 14 December 2018 and provided further information on 12 March 2019. DIT also confirmed that it was content to disclose a large amount of information to the complainant.
15. DIT attempted to disclose this information to the complainant on 21 March 2019, but the emails were returned as undeliverable. The complainant subsequently confirmed an alternative email address and DIT successfully issued its revised response and disclosures on 25 March 2019. This comprised 69 documents, most of which contained redactions, and a revised refusal notice.
16. The complainant remained dissatisfied with DIT's handling of his request, and maintained that the requested information ought to have been disclosed at the time of his request.

## Reasons for decision

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### Section 27: prejudice to international relations

17. DIT withheld some information in reliance on the exemption at section 27(1)(a) and section 27(1)(c) of the FOIA. Section 27(1) provides that:

*"Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice -*

- (a) relations between the United Kingdom and any other State,*
- (b) relations between the United Kingdom and any international organisation or international court,*
- (c) the interests of the United Kingdom abroad, or*
- (d) the promotion or protection by the United Kingdom of its interests abroad."*

18. In order for a prejudice based exemption, such as section 27(1), to be engaged the Commissioner considers that three criteria must be met:

- Firstly, the actual harm or prejudice which the public authority alleges would, or would be likely to, occur has to relate to the applicable interests within the relevant exemption;
- Secondly, the public authority must be able to demonstrate that some causal relationship exists between the confirmation or denial and the prejudice which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual or of substance; and
- Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied on by the public authority is met – ie, disclosure 'would be likely' to result in prejudice or disclosure 'would' result in prejudice.

19. In relation to the lower threshold the Commissioner considers that the chance of prejudice occurring must be more than a hypothetical possibility; rather there must be a real and significant risk. With regard to the higher threshold, in the Commissioner's view this places a stronger evidential burden on the public authority to discharge. The anticipated prejudice must be more probable than not.

20. DIT withheld some information in reliance on the exemption at section 27(1)(a) and section 27(1)(c) of the FOIA. The Commissioner is of the opinion that these exemptions do not necessarily focus on the importance, subject or content of the requested information, but on whether UK interests abroad, or the international relations of the UK

would be prejudiced through the disclosure of the information. The timing of the request will also affect the sensitivity of that information.

21. DIT set out that trade deals were considered extremely sensitive in the context of international diplomacy. It explained that trade discussions had taken place on the understanding that their content would remain confidential, including in some cases by formal confidentiality agreements. DIT set out that disclosure of the withheld information would violate these understandings of confidentiality. It would consequently prejudice the UK's relationships with current trading partners, as well as those with potential future trading partners, and to diplomatic relationships more widely. The Commissioner accepts that these arguments are relevant to the exemptions claimed, since they clearly relate to international relations and the UK's interests abroad.
22. DIT considered there to be a high risk that disclosure of the withheld information would undermine the UK's negotiating position in future trade deals, which could result in less advantageous trade deals for the UK. It would also undermine trading partners' confidence in the UK's ability to protect what they considered to be sensitive information, which would harm these relationships.
23. DIT also sought to rely on the exemption at section 27(3) in respect of certain information. Section 27(3) should be read in conjunction with section 27(2) which provides that:

*"Information is also exempt information if it is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court."*

Section 27(3) provides that –

*"For the purposes of this section, any information obtained from a State, organisation or court is confidential at any time while the terms on which it was obtained require it to be held in confidence or while the circumstances in which it was obtained make it reasonable for the State, organisation or court to expect that it will be so held."*

24. DIT set out that information falling under this exemption had been provided only on the basis of being kept confidential. Disclosure of this information would be harmful to current and future trade negotiations, and to wider diplomacy.
25. The complainant expressed concern that DIT may have approached section 27 as a blanket exemption rather than considering each State individually. As set out at paragraph 13 above the Commissioner can confirm that this was not the case. Albeit that the Commissioner

considered it necessary to issue an information notice, DIT went through the requested information line by line and marked it to show that the exemptions had been applied to specific information, rather than whole documents. The Commissioner appreciates that unlike the complainant she has had the benefit of inspecting the information in an unredacted state. She is also mindful that she cannot set out in this decision notice full details of DIT's reasoning with respect to individual countries, since to do so would defeat the purpose of applying exemptions.

26. Having considered DIT's arguments in the context of the information in question, the Commissioner is satisfied that disclosure of the withheld information would have the prejudicial effect claimed. The Commissioner accepts that the disclosure of information provided with the understanding of confidentiality would damage relationships with the providers of the information. In addition the Commissioner accepts that it would have a wider prejudicial impact in terms of potential partners being less comfortable sharing sensitive information with the UK.
27. DIT confirmed to the Commissioner that certain information was subject to a formal confidentiality agreement with one or more States. The Commissioner cannot provide further details in this decision notice since to do so would contravene such an agreement. However the Commissioner is satisfied that the exemption at section 27(2) is engaged in respect of the information identified by DIT which is subject to an understanding of confidentiality, as well as information which falls within the scope of a confidentiality agreement.
28. The Commissioner has accepted the higher test of "would prejudice", rather than "would be likely to prejudice". This is informed by the content of the information in question, and also the timing of the request. The Commissioner notes that the request was made in November 2017, less than six months after the referendum which led to the Government announcing that the UK would leave the European Union. The Commissioner is persuaded that the prejudice identified would have been more likely than not, especially at such an early stage of Brexit negotiations.
29. With regard to the first criterion of the test outlined above, the Commissioner accepts that the prejudice described by DIT clearly relates to the interests which the exemption is designed to protect. With regard to the second criterion, the Commissioner is satisfied that there is a causal link between disclosure of the requested information and prejudice occurring to the UK's international relations. Furthermore, she is satisfied that the resultant prejudice would be real and of substance with the likelihood of prejudice being more probable than not. Accordingly the third criteria is met.

30. On this basis the Commissioner finds that the exemptions at section 27(1)(a), section 27(1)(c) and section 27(2) are engaged in respect of the withheld information, and she has gone on to consider the balance of the public interest.

#### Public interest arguments in favour of disclosure

31. DIT recognised the general public interest in openness in trade policy as it would increase accountability and public confidence in government decision making.
32. DIT also acknowledged that there was a legitimate public interest in disclosure of information pertaining to trade talks and working groups, given the importance of that work to the UK's future. DIT accepted that there was a legitimate public interest in the public being able to scrutinise and evaluate foreign policy.
33. The complainant argued that there was a strong public interest in disclosure, since it would further the public's understanding and participation in debate of Brexit-related matters, as well as the UK's trading relations with the rest of the world. He set out that disclosure would assist the electorate in fully appreciating the impact of its actions in the referendum, and to have a fully informed view of the choices at the next general election. He also suggested that a higher degree of accountability and transparency may ensure that the interests of the general public were upheld during the negotiations.
34. The complainant further argued that individuals and companies would benefit from a greater understanding about the direction of travel of the negotiations. He explained that this may help with important decisions such as buying a home, training to join a profession or making an investment.
35. The complainant set out that the terms of trade agreements emerging from the working groups would be made public eventually, therefore in his opinion the withheld information was not inherently sensitive. He suggested that the question was when the information would be disclosed, as opposed to whether it would be disclosed. The complainant asked the Commissioner to consider whether the public should be able to scrutinise the rules governing trade between the UK and other States before they were made, or when they were in fact subject to them.
36. Finally the complainant put forward arguments relating to public health and safety. He set out that the UK leaving the EU may result in various regulations no longer applying to the UK, and that trade negotiations may rest on whether products could be imported or produced in the UK which could not be imported or produced in the EU.

### Public interest in maintaining the exemptions

37. DIT maintained that there was a substantial public interest in protecting the UK's ability successfully to pursue its national interests. The prejudice that would be caused by disclosure of the withheld information would make it more difficult for the UK to do this since it would damage trust between the UK and its international partners.
38. Specifically DIT argued that prejudice to international relations was particularly significant in the context of the UK leaving the EU. There was a clear link between the UK's economic future and successful diplomacy. DIT set out that other States needed to be confident that the UK would not disclose information against their wishes, and disclosure of the withheld information would undermine this expectation of confidentiality. This would jeopardise future diplomatic and economic prospects, not just with the States involved in this case, but with other current and other potential partners. DIT set out that it would not be in the public interest to harm the UK's ability to ensure continuity in existing trading relationships and the development of new ones.
39. DIT also set out that the prejudice caused by disclosure would have a wider detrimental effect on the public. Harming the UK Government's ability to reduce trade barriers would have an impact on tariffs and the viability of opportunities in international trade.

### Balance of the public interest

40. The Commissioner acknowledges that the public is rightly interested in all aspects of the UK's planned exit from the EU. It is important to bear in mind that what the public is interested in is not necessarily the same as what is in the public interest. However the Commissioner is of the opinion that Brexit is an issue regarding which there is considerable overlap. She fully appreciates the significant level of public discussion and debate on the decision to leave the EU.
41. Both parties agree that the UK's negotiations are of paramount importance in securing the best trade deals possible. The Commissioner is satisfied that there is a significant and legitimate interest in the public being informed as to the UK's future trading relationships with other States. However, she also attaches considerable weight to DIT's argument regarding the risk of prejudice to the UK's ability to achieve the best possible outcome for the UK in those negotiations.
42. The Commissioner considers that the timing of the request is extremely important in this case. She acknowledges the complainant's position that the outcome of trade negotiations will necessarily be made public, but as set out above the Commissioner notes that the request was made at



a very early stage of negotiations. This is one of the reasons that the Commissioner accepted the higher test of “would prejudice”. If the UK disclosed information that would lead to prejudice at this stage, the Commissioner is satisfied that this would in turn make it more difficult for the UK to attract and negotiate with other potential partners. The Commissioner has therefore concluded that, at the time of the complainant’s request, there was a stronger public interest in not prejudicing relations between the UK and other States. In any event the Commissioner considers that there is a significant difference between publishing an agreement, and publishing details of the negotiations leading to that agreement.

43. The Commissioner has carefully considered the complainant’s arguments in favour of disclosure, as well as the general public interest in openness and transparency. The Commissioner notes that since the request was submitted, various information has been published as negotiations have progressed and some agreements have been reached. The Commissioner considers that the public interest will be met to a certain degree by such publication, although it is perfectly appropriate for any interested person to make a request for information that has not been published.
44. However, the Commissioner is not persuaded that disclosure of the specific withheld information in this case would greatly inform the public as to the UK Government’s approach. Nor does she consider that the benefits of disclosure would to any extent justify the negative impact that she has accepted would result.
45. The Commissioner accepts that the importance of maintaining good international and diplomatic relations is critically important to the UK’s economic future post-Brexit and that the public interest would not be served by making this more difficult. The Commissioner commented in a previous decision notice regarding a Brexit-related request that:  
  
*“... the relevant considerations in reaching a judgement on the balance of the public interest in this case extend beyond the actual content of any information which may or may not be held.”<sup>1</sup>*
46. The Commissioner is equally satisfied that in this case the content of the withheld information is not the sole consideration in reaching a decision on the public interest. There is a wider public interest in terms of

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<sup>1</sup> Decision notice FS50732583, issued 23 August 2018

protecting the UK's ability to maintain international relations so as to pursue and achieve successful trade details following the UK's exit from the EU. The Commissioner finds that the public interest in maintaining the exemptions at sections 27(1)(a), 27(1)(c) and 27(3) outweigh the public interest in disclosure of the withheld information.

### **Section 35(1)(a): formulation or development of government policy**

47. Section 35(1)(a) provides that information held by a government department is exempt if it relates to the formulation or development of government policy. The Commissioner is of the view that the formulation of government policy relates to the early stages of the policy process. This covers the period of time in which options are collated, risks are identified, and consultation occurs whereby recommendations and submissions are presented to a Minister. Development of government policy however goes beyond this stage to improving or altering existing policy such as monitoring, reviewing or analysing the effects of the policy.
48. The Department set out that the information withheld under section 35(1)(a) related to the formulation and development of government policy. It explained that preparations for trade discussions, and the UK's position on all aspects of trade, were a matter of complex policy.
49. The complainant was of the view that some of the withheld information related to policy implementation rather than formulation or development. He considered it reasonable to assume that the UK Government would have had to determine what the UK sought to achieve before embarking on trade discussions.
50. The Commissioner respectfully disagrees with the complainant in this regard, and accepts DIT's argument. Again the Commissioner has regard to her decision in a previous case, where she accepted that sector studies engaged section 35(1)(a) on the basis that they would inform future policy for trade deals yet to be negotiated.<sup>2</sup> The Commissioner similarly accepts that the information withheld in reliance on section 35(1)(a) in this case engages the exemption because it relates to discussions that informed the development of the UK Government's trade policy regarding negotiations with other States. Therefore the Commissioner is satisfied that the withheld information relates to the formulation of trade policy, rather than the implementation of that policy.

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<sup>2</sup> Decision notice FS50715188, issued 3 December 2018.

51. The Commissioner is satisfied that section 35(1)(a) is engaged in respect of the information withheld under the exemption, and has gone on to consider the public interest test.

Public interest in favour of disclosure

52. As with the information withheld under section 27, DIT identified a general public interest in disclosing information that would inform the public as to how the UK Government was approaching trade negotiations with other States. It accepted that disclosure could assist towards public debate and scrutiny, which could increase public trust and confidence.
53. The complainant argued that the information needed to be disclosed in order to allow public scrutiny, since in his view this was the only opportunity the public would have to scrutinise trade agreements before they were made. The complainant maintained that this would benefit trade policy, and pointed out that the EU had published its negotiating mandates in advance of trade talks.

Public interest in favour of maintaining the exemption

54. DIT argued that it required "safe space" to discuss policy options away from the public domain. It maintained that the UK Government was at a crucial time in preparations for leaving the EU, and it was vital that options could be freely and openly discussed. Disclosure of the withheld information would make this more difficult, and would have a wider detrimental impact on governmental decision making at a critical time.
55. DIT also set out that its officials needed to be able to have frank discussions with counterparts from other States in order to inform the UK's future trading policy. Disclosure of the withheld information would risk putting information into the public domain that could prejudice or undermine negotiations with certain potential partners. Therefore DIT was of the view that disclosure would have detrimental effects both internally and externally.
56. DIT pointed out that it had in fact taken steps to consult and engage with the public in respect of some proposed negotiations<sup>3</sup>, where discussions had approached a mature stage. DIT maintained that disclosure of the information held at the time of the request would not facilitate this kind of consultation because it was so early in the process.

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<sup>3</sup> <https://www.gov.uk/government/news/new-public-consultations-announced-for-future-trade-agreements>

Balance of the public interest

57. The Commissioner has had regard to her published guidance on section 35,<sup>4</sup> which points out that as a class-based exemption section 35 carries no inherent weight in favour of maintaining the exemption. The relevance and weight of the public interest arguments will depend entirely on the content and sensitivity of the particular information in question and the effect its release would have in all the circumstances of the case.
58. The Commissioner recognises the legitimate public interest in the disclosure of information that will further inform the public discussion and debate on the UK's trading position following Brexit. Disclosure of the withheld information in this case would demonstrate the UK Government's consideration of how to approach trade negotiations with a range of States.
59. The Commissioner also acknowledges the importance of the UK's trade negotiations in securing the best trade deals possible. She has considered the "safe space" argument put forward by DIT and is satisfied that it attracts considerable weight in this context. Again the Commissioner is persuaded that the timing of the request is pertinent; the request was made at a relatively early stage of policy formulation. As the Commissioner's guidance recognises, it is more likely that safe space will be required while policy options are being discussed and evaluated. In this case it is clear that the policy formulation process was very much live at the time of the request, and the Commissioner considers there to be a very strong public interest in maintaining safe space at this time.
60. Once decisions are reached the need for safe space often diminishes, and indeed the Commissioner observes that DIS has disclosed information into the public domain as part of its public consultations. Again the Commissioner would stress that she does not consider these disclosures to meet the entirety of the public interest in informing the public about Brexit. Rather, in the Commissioner's opinion they demonstrate that the sensitivities surrounding trade negotiations will be affected by the passage of time and the progress of the negotiations. However, she must consider the circumstances at the time of the request, ie November 2017.

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<sup>4</sup> <https://ico.org.uk/media/1200/government-policy-foi-section-35-guidance.pdf>

61. Taking into account all the circumstances of this case, including the extent and content of the withheld information itself, the Commissioner finds that the public interest in maintaining the exemption at section 35(1)(a) outweighs the public interest in the disclosure of this information. Therefore DIT was entitled to refuse to disclose this information.

**Section 40(2): third party personal data**

62. Section 40(2) of the FOIA provides that information is exempt from disclosure if it is the personal data of an individual other than the applicant and where one of the conditions listed in section 40(3) or 40(4) is satisfied.

63. In this case DIT cited section 40(2) in respect of the names, job titles and contact details of a number of individuals. The individuals in question include junior UK civil servants and officials from other countries. DIT confirmed that it was applying section 40(2) in conjunction with the condition listed in section 40(3)(a)(i). This applies where the disclosure of the information to any member of the public would contravene any of the principles of the Data Protection Act 1998 (the DPA). DIT has confirmed its position that disclosure of this information into the public domain would be unfair and unlawful, which would contravene the first data protection principle as set out in the DPA.

64. The Commissioner is satisfied that the information in question is personal data of individuals other than the applicant. This is because the individuals could be identified from their names, job titles and contact information. The Commissioner has therefore gone on to consider whether disclosure of this information into the public domain would be unfair.

65. When considering the fairness and the first data protection principle the Commissioner has taken the following factors into account:

- the individuals' reasonable expectations of what would happen to their information;
- whether disclosure would cause any unnecessary or unjustified damage or distress to the individuals concerned (ie the consequences of disclosure); and
- whether the legitimate interests of the public are sufficient to justify any negative impact to the rights and freedoms of the individuals as data subjects.

66. The Commissioner has first considered individuals' expectations. DIT was of the strong view that junior officials who held sensitive positions would have a legitimate expectation that their personal information would not be disclosed into the public domain. DIT recognised that some names of UK senior officials and senior government representatives had been disclosed by the US Government in the context of a UK-US trade working group. However this did not include any of the information withheld by DIT.
67. The Commissioner accepts that junior staff will generally have a reasonable expectation that their information would not be disclosed into the public domain. The Commissioner further acknowledges the importance of protecting staff who may be responsible for communicating information rather than making decisions based on it. Although the disclosure of individuals' personal data in a purely professional context may be less likely to cause distress, it may cause other difficulties for those individuals. For example, if an official's junior status is put into the public domain, it may be more difficult for that individual to maintain appropriate working relationships with officials from other countries. It may also cause professional discomfort at a diplomatic level.
68. The complainant argued that the public ought to be able to scrutinise, for example, officials' qualifications and any potential conflicts of interest. The complainant pointed out that the US routinely published the names of relatively junior trade negotiators.
69. The Commissioner agrees that there is a legitimate public interest in assuring the public that trade negotiations are conducted by appropriate UK Government officials. However she considers that disclosure of their names and job titles into the public domain is neither proportionate nor necessary to meet this interest. Furthermore it risks making junior staff wrongly accountable for decisions that they do not have the authority to take. The Commissioner considers that the legitimate public interest can be better satisfied by the disclosure of information that would not identify such individuals. Accordingly the Commissioner finds that it would be unfair to disclose these individuals' personal data, and the exemption at section 40(2) in conjunction with section 40(3)(a) is engaged.
70. Similarly DIT maintained that the foreign officials in question had a reasonable expectation of confidentiality. Although DIT was able to distinguish between junior and senior UK civil servants, it was not prepared to make assumptions regarding the seniority of foreign officials. DIT also set out that the process of consulting with the other countries regarding the seniority of their officials, or the disclosure of other information such as job titles would in some cases be damaging to

international relations, therefore it considered that the exemption at section 27(1)(a) would also apply to this information. The Commissioner is satisfied that it would be unfair to disclose personal data relating to foreign officials, and again the exemption at section 40(2) is engaged.

## **Procedural requirements**

### **Section 1: general right of access**

#### **Section 10(1): time for compliance**

71. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.
72. In this case the Commissioner notes that DIT did not initially respond to the request in accordance with the requirements of the FOIA. It was only after her intervention that DIT properly considered what information it held that was relevant to the request, and what information could be disclosed to the complainant.
73. However, the Commissioner notes that the request was broad in scope and the relevant information was voluminous. The Commissioner also observes that DIT has thoroughly reconsidered the request, and has disclosed a large amount of information to the complainant. The Commissioner is satisfied that DIT has properly considered the requested information, and has now withheld only the information that it is entitled to withhold under the exemptions claimed.
74. In any event, the information disclosed to the complainant on 25 March 2019 was disclosed well outside the 20 day time for compliance. Therefore the Commissioner must find that DIT failed to comply with sections 1(1)(b) and 10(1) in respect of this information.

## Right of appeal

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75. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals  
PO Box 9300  
LEICESTER  
LE1 8DJ

Tel: 0300 123 4504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

76. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
77. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Gerrard Tracey  
Principal Adviser  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**



## **Annex 1**

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### Full text of request submitted on 15 November 2017

I am requesting information in relation to trade working groups, Ministerial Trade Dialogues, high level dialogues, trade policy dialogues, trade dialogues or equivalent (from hereon in described as "working groups"). I am also requesting information in relation to any currently existing work-streams or plans for the establishment of working groups in the period leading up to Britain's exit from the European Union ("Brexit"). These working groups have been convened to discuss trade agreements between HM Government and any other foreign governments after Brexit. The working groups may have been attended by staff from the Department for International Trade (and any other HM Government department) and representatives of foreign governments.

I understand that such working groups have been held with at least seventeen countries:

1. Australia,
2. Bahrain,
3. Canada,
4. China,
5. India,
6. Israel,
7. Kuwait,
8. Mexico,
9. New Zealand,
10. Norway,
11. Oman,
12. Qatar,
13. Saudi Arabia,
14. South Korea,
15. Turkey, and
16. UAE, and
17. USA.

I am asking for information in relation to each of the seventeen countries listed above, but also in relation to any further countries where working groups have been established.

The information I am requesting is as follows:

- a. Confirmation that a working group exists for each of the countries listed, and any that have not been listed but where a working group exists.
- b. Information relating to any currently existing work-streams or plans for the establishment of working groups in the period leading up to Brexit.
- c. The name of any working groups described at a.
- d. The date of the first meeting of the working group named at c. and then the dates of all subsequent meetings of these working groups.
- e. The list of invitees for each of the meetings set out in response to d.
- f. The list of attendees for each of the meetings set out in response to d.
- g. The agenda for each of the meetings set out in response to d.
- h. The minutes of each of the meetings set out in response to d.
- i. Any schedule for forthcoming meetings of the working groups described at a and/or b.