



Department for International Trade

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Negotiations

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Dear Dan

Thank you for your letter of April 3, 2020 describing the arrangements the United States has in place for the protection and handling of information in the context of the negotiations of a US-UK trade agreement. The United Kingdom accepts the arrangements described in your letter.

The UK Government recognises the need both to conduct trade policy in a way that is transparent and inclusive and to handle any information provided, in confidence, by the United States with appropriate care and security. Our commitment to transparency and inclusivity means Parliament, the devolved administrations and legislatures, local government, business, trade unions, civil society, and the public from every part of the United Kingdom must have the opportunity to engage with and contribute to our trade policy. We will also take into account the views of the Crown Dependencies and Overseas Territories, including Gibraltar.

Naturally, information will be shared during the negotiations for a UK-US trade agreement in confidence and will thus be held in confidence and in accordance with the Government's obligations to adhere to the Freedom of Information Act 2000. The Act provides a general right of access to information held by public authorities. It sets out how a public authority may refuse a request where one of the exemptions applies. In particular, section 27 applies to information in the context of the United Kingdom's international relations and, for example, where confidential information is obtained from another State, the Government is required to consider the balance of the public interest in maintaining the exemption against disclosing the information.

Following discussions between the United Kingdom and the United States in the context of document and information handling for the negotiations of a UK-US trade agreement, the following approach will be taken.

- Proposals, accompanying explanatory material, emails, and other substantive information, exchanged in the context of the above-referenced negotiations, are provided and will be held in confidence unless otherwise jointly decided. Such information may be provided only to (1) government officials or (2) persons outside government who participate in a domestic consultation process or provide advice to government and who have a need to review or be advised of certain information. Anyone given access to this information will be warned that they cannot share the information with individuals not authorized to see the information. This information will

be held in confidence for five years after a U.S.-UK trade agreement enters into force, or five years after the close of negotiations related to such an agreement. These restrictions will not apply to the originator's own information.

- While the documents and information associated with the above-referenced negotiations are confidential, this information may be mailed, emailed, or discussed over unsecured lines with any of the individuals identified in the preceding paragraph. Documents and information may be stored in a locked file cabinet or within a secured building; that is, this information does not need to be stored in safes. This information can be created and stored on unclassified computer systems and password-protected websites.
- Documents created pursuant to or as a result of the above-referenced negotiations will be marked in a manner that makes clear that the documents, regardless of their physical form or characteristics, and the information contained in those documents, will be held in confidence. To that end, the United States will mark documents as "U.S.-UK FTA CONFIDENTIAL, Modified Handling Authorized (C/FGI-MOD)" and the United Kingdom will mark documents as "UK OFFICIAL-SENSITIVE – UK/US FTA official use only. This information has been communicated in confidence to the U.S. Government and should not be released without the agreement of the UK Government." Documents that are shared will be marked "U.S.-UK FTA CONFIDENTIAL, Modified Handling Authorized (C/FGI-MOD) - UK OFFICIAL-SENSITIVE – UK/US FTA official use only."

The policy underlying this approach is to ensure appropriate public engagement in developing and communicating the UK's contribution to the negotiations whilst maintaining the confidentiality of documents and information, allowing positions to be developed and for communication to take place both internally and with each other. The UK may decide to put certain information into the public domain to facilitate engagement but they will reflect the UK position only.

I look forward to continuing our work.

Yours sincerely

A handwritten signature in black ink that reads "Oliver Griffiths". The signature is written in a cursive style and is underlined with a single horizontal line.

Oliver Griffiths
Chief Negotiator, UK-US FTA Negotiations
Department for International Trade