



Department for International Trade

Department for International Trade
Old Admiralty Building
London
SW1A 2DY

Linda Kaucher
request-887862-0c852f75@whatdotheyknow.com

T +44 (0)20 7215 5000
E Foi@trade.gov.uk
W www.gov.uk/dit

FOI2022/03531

7 October 2022

Dear Linda Kaucher,

Thank you for your email of 17 August where you requested the following information:

I am asking if Investor State Dispute Settlement, or any mechanism by any other name which similarly allows transnational corporations to sue the UK government for any legislative changes that the corporation doesn't like, have been or are being included in any of the trade deals that the UK has negotiated or is in the process of negotiating, post Brexit.

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).

The Department holds the following information relevant to your request:

The UK has not agreed investor state dispute settlement (ISDS) in any of the free trade agreements (FTAs) that the UK has negotiated to date, post the UK's departure from the EU. The texts of these FTAs and explainer materials are available on gov.uk.

The Department holds further information relevant to your request. However, it is withheld from release as it is exempt by way of section 27(1) (a), (c), and (d) (International relations) of the Freedom of Information Act.

Section 27(1) states: 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,
- (c) the interests of the United Kingdom abroad, or
- (d) the promotion or protection by the United Kingdom of its interests abroad.

Section 27 is a qualified exemption. When relying on this exemption public authorities are required to consider and balance the public interest in disclosure against the public interest in favour of withholding the information. Below are the factors considered by the Department in favour of releasing and withholding the requested information:

Factors in favour of release

There is a general public interest in openness and transparency in all aspects of government. Releasing the information could improve transparency and provide the public with insight into the government's approach to Investor State Dispute Settlement (ISDS).

Factors in favour of withholding

The reasons given above must be balanced against the harm in releasing the requested information. It is in the public interest that the Department for International Trade takes appropriate measures for safeguarding the United Kingdom's trade and investment interests in trade agreements. Releasing the requested information would significantly weaken the United Kingdom's bargaining position in its trade negotiations. It could also inhibit other governments' willingness to share sensitive information with the United Kingdom, hindering the ability to exchange views and conclude negotiations. It is therefore not in the overall interest of the British public to release this information.

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
Old Admiralty Building
London
SW1A 2DY
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