

Note of a meeting on 6 April 2006 with Rolls-Royce

Those present:

ECGD

Patrick Crawford – Chief Executive  
John Weiss - ECGD Adviser  
Nicholas Ridley – General Counsel  
David Allwood – Business Principles Adviser  
Ben Llewellyn – External Affairs Manager

Rolls-Royce

Sue Walton  
Josephine Cook  
Nigel Goldsworthy

Rolls-Royce (RR) had requested a meeting about ECGD's proposed Special Arrangements for handling information about agents' identities (Special Arrangements). ECGD reaffirmed to RR that consultation rules prevailed; ECGD would listen to views, but would not engage in any discussion other than for the purposes of clarification. ECGD would publish a note of the meeting once RR had checked it for accuracy. Once all representations had been received, ECGD and Ministers would make a decision as to the appropriate procedures to adopt.

RR confirmed that it would provide a written representation to ECGD on the Special Arrangements. The meeting had been requested to seek clarifications on a number of points, namely;

**Q1: What arrangements would be in place for the security of information provided to ECGD?**

ECGD envisaged that a single, hard copy of a document with information about agents' identities would be stored in a secure location, with access restricted to those individuals who held at the material time the posts identified in paragraph 2.4 of the proposed Special Arrangements. ECGD confirmed that it did not envisage putting Government security markings on the files and that, aside from the Deputy Head of the Business Principles Unit (BPU) in the circumstances described in Para 2.2 of the proposed Special Arrangements, none of the postholders' deputies would have access to the information.

**Q2: What sort of consultation would ECGD have with applicants before undertaking the sorts of enquiries envisaged in paragraph 2.6 of the Special Arrangements?**

ECGD felt that this was something that would have to be considered on a case-by-case basis. If an applicant wanted to know exactly what enquiries were envisaged then ECGD would try to provide as good an indication as

possible. An applicant was always able to withdraw a case if they were unhappy with the sorts of enquiries being considered.

**Q3: Would ECGD discuss the results of enquiries with applicants? Applicants may have information that might address any concerns ECGD might have.**

ECGD envisaged undertaking the enquiries proposed in paragraph 2.3 of the Special Arrangements, and then discussing the matter further with applicants if appropriate.

**Q4. What enquiries were envisaged under paragraph 2.3 of the Special Arrangements?**

ECGD would be restricted to making internal enquiries; and this would include conducting electronic searches on the world-wide-web. RR was invited to make representations in respect of the enquiries envisaged under paragraph 2.3 if it felt that it should be clarified.

**Q5: Did ECGD envisage different arrangements for different applicants?**

ECGD's current thinking was that a standard set of procedures should apply to all applicants.

**Q6: Would further enquires be undertaken on a joint basis with applicants?**

ECGD felt this would have to be considered on a case-by-case basis. ECGD might wish to conduct further enquiries even though the results of its initial checks had not raised any specific issues; where large commissions were being paid in certain countries, for instance.

**Q7: Paragraph 2.6 of the Special Arrangements referred to the consent of applicants being 'requested' before further enquiries were made; shouldn't this be 'required'?**

ECGD explained that it wished to convey the fact that it could not compel an applicant to provide its consent, only request. ECGD's ultimate sanction was to refuse support for the transaction.

**Q8. To what extent could the electronic records of searches described in paragraph 2.3 be deleted?**

ECGD explained that it could only remove electronic records from the computer to be used to conduct searches. It could not remove records from the databanks of internet search engines, for example.

**Q9. Would other commercially confidential information about agents, such as amounts of commissions paid, be similarly protected? If not, why not?**

ECGD stated that its proposed Special Arrangements applied only to information about agents' identities. This had been the focus of representations in the consultation about the sensitivity of information about agents. In any event, there were difficulties in restricting the number of people with access to other information about agents, which was required in order to calculate levels of foreign content, for instance. It could also impair ECGD's ability to make decisions on support for cases. RR wished to make a representation in writing on this topic for consideration. ECGD said it was for RR to decide what they wished to write but representations about decided matters could not be taken into account; and it might be that such representations would fall into that category.

**Q10: What recourse would an applicant have in the event that it suffered damage as a result of disclosure, inadvertent or otherwise, of information about agents' identities?**

ECGD advised RR to seek its own legal advice.

**Q11: Would it be possible for applicants to obtain a statement from ECGD on its policy on disclosing information under the Freedom of Information Act?**

ECGD felt that paragraph 3 of the proposed Special Arrangements set out its position as comprehensively as it could.

**Q12: Would ECGD consult if it intended to amend the Special Arrangements?**

ECGD envisaged providing a notice period sufficient to provide interested parties time to flag up any concerns they might have. Changes would not have retrospective effect.

**ECGD**  
**24 April 2006**

