



**Asia and Oceania  
Department**

East Asia and Mekong  
Division Rijnstraat 8

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[www.rijksoverheid.nl](http://www.rijksoverheid.nl)  
[riandsandyou.nl](http://www.nethe<br/>riandsandyou.nl)

**Contact**

Date 25 October 2018  
Re Decision on WOB application

Dear [REDACTED],

In your emails of 14 and 21 August 2018, you requested information on "China AND public diplomacy" and "China AND soft power", invoking the Government Information (Public Access) Act (*Wet openbaarheid van bestuur*, WOB).

The documents you requested concerned: "cables or reports from the Foreign Ministry or the embassy in Beijing examining one of the following two topics: "Voice of China" – China's expanded and consolidated global propaganda/state media apparatus [and/or] "China's use of the 'United Front' to influence politics in the Netherlands and other European states".

Receipt of your application was acknowledged in writing by email of 29 August 2018.

### **Statutory framework**

Your application falls within the scope of the Government Information (Public Access) Act. Please refer to Annexe 1 for the relevant articles of the Act.

### **Specification of documents**

In response to your application, one document has been found. This document concerns a cable from the Embassy of the Kingdom in the Netherlands in Beijing entitled "China – Buitenlandse politiek – Het Rijk van het Midden – "tianxia" in het Nieuwe Tijdperk van Xi Jinping".

### **Decision**

I have decided not to disclose some of the information you requested as contained in the document. The reasons for this refusal are set out in the section "Considerations" below.

### **Considerations**

First, I should like to draw your attention to the following. Pursuant to section 3, subsection 5 of the WOB, an application for information is granted with due regard for the provisions of sections 10 and 11.

**Our reference**

Min-BuZa.2018.774-144

**Encl.**

1. Text of the Government Information (Public Access) Act (*Wet openbaarheid van bestuur*, WOB)
2. Disclosed information

The right to disclosure under the WOB is solely intended to serve the public interest in effective, democratic governance. Every citizen is equally entitled to this right. This is why no distinction in respect of access can be made on the basis of the person of the applicant or the applicant's intention or interests. The different interests taken into account in assessing applications therefore include the public interest served by disclosure of the requested information and the interests that the grounds for refusal are designed to protect, but not the specific interests of the applicant.

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Nor does the WOB provide for a limited form of disclosure. This means that under the WOB the requested document cannot be disclosed only to you. If I were to provide you with the document in question, I would be obliged to release it to other people as well at their request. My decision is therefore based on the following assessments of the different interests. My assessments of the different interests, set out below, must be viewed in that light.

Section 10, subsection 2, opening words and (a) of the WOB provides that data should not be disclosed if the interest in disclosure is outweighed by the interest in maintaining relations between the Netherlands and other States or international organisations.

The history of this provision shows that this ground for refusal is intended to prevent a situation in which a statutory duty to disclose information would have the effect of harming Dutch international relations. In order for this provision to be applied, it is not necessary for deterioration of good relations with other countries to be expected. It is instead sufficient if the provision of information is likely in some ways to make international contacts more difficult, for example if maintaining diplomatic relations or conducting bilateral consultations with countries would be harder than before or if people in these countries would be less inclined to provide certain data than previously.

Where I have applied this ground for refusal, it concerns the interests of the Netherlands in its relations with other States. This includes the People's Republic of China. Disclosure of this information would prejudice relations with that country. This would undermine the requisite confidentiality and effectiveness of diplomatic relations. I consider that the interests of international relations outweigh the public interest in disclosure. I have therefore decided not to disclose the information concerned.

Where disclosure of information from the document has been refused in the interest of relations between the Netherlands and other States, this is indicated in the documents by reference to the relevant provision of the Act, namely '10 2 a'.

Section 10, subsection 2, opening words and (g) of the WOB provides that data should not be disclosed in so far as the interest in disclosure is outweighed by the interest in preventing disproportionate advantage or disadvantage to the natural or legal persons concerned or to third parties.

Where I have applied this ground for refusal, it concerns technical information that provides insight in the way Dutch Embassies and the Ministry of Foreign Affairs communicate with each other on issues that are deemed confidential. Disclosure of this information would in my view result in a disproportionate disadvantage to the organisations to which this information relates, including Dutch Embassies and the Ministry of Foreign Affairs. I consider that the interest in preventing disproportionate disadvantage to the legal persons concerned outweighs the public interest in disclosure. I have therefore decided not to disclose the information concerned.

Where disclosure of information from the document has been refused in the interest of preventing disproportionate disadvantage, this is indicated in the documents by reference to the relevant provision of the Act, namely '10 2 g'.

**Manner of disclosure**

The partly disclosed document is enclosed with this decision as Annexe 2 in the form of a photocopy. A scanned copy of this decision and its annexes will be emailed to you.

The partly disclosed document will be posted on [www.rijksoverheid.nl](http://www.rijksoverheid.nl).

I am sending a copy of this decision to the interested parties.

Yours sincerely,



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*Within six weeks after this decision is sent, a notice of objection may be lodged. The notice of objection must be signed and dated and include the name and address of the person submitting it, a description of the decision against which the objection is being lodged, and the grounds on which it is based. The notice of objection should be addressed to the Minister of Foreign Affairs, attn. Asia and Oceania Department, P.O. Box 20061, 2500 EB The Hague, The Netherlands.*