

Email: request-17693-70ab8b9d@what do they know.com

Ref: FOI 268405

20 November 2009

Dear Mr M Bimmler,

Thank you for your email, which we received on 7 September 2009. In your correspondence, you stated:

"I request access to all records held by the Cabinet Office or the Prime Minister's Office in connection with the negotiations of a Prisoner Transfer Agreement with the Great Socialist People's Libyan Arab Jamahiriya.

If the amount of documents is too large to evaluate under the cost threshold provision of the Freedom of Information Act 2000, I ask you to restrict this query only to documents created in December 2007".

Your request is being dealt with in accordance with the Freedom of Information Act 2000. This letter is in addition to our letter, which was e-mailed to you on the 23 October 2009. As mentioned in that letter, the information held within the scope of your request is exempt.

Section 27: International Relations

Under section 27(1)(a),(b) and (c) information is exempt if disclosure under the Act would, or would be likely to, prejudice relations between the UK and any other State, prejudice the interests of the UK abroad or prejudice the promotion or protection by the UK of its interests abroad. This is a qualified exemption and disclosure is therefore decided by a public interest test.

Arguments for disclosure:

The UK Government's exchanges with Libya/other States has been the subject of media and public interest. Disclosure of this correspondence would serve to address this interest while clarifying the respective public bodies' positions. Disclosure would also allow for a greater depth of understanding of the conduct of the UK's diplomatic affairs.

Arguments against disclosure:

Disclosure of this material would be likely to compromise the Government's maintenance of trust and confidence with the Libya/other States, which is essential for the effective conduct of business on trade, security and other matter. Further,



disclosure of this material would weaken the UK's ability negotiate in the international arena and prejudice the free and frank exchange of advice. As such, the UK's ability to protect and promote its interests through international relations would be weakened. For this reason the public interest favours withholding this information under Section 27.

Under Section 35(1) (a), regarding the other information, we hold relevant to your request we have decided that this should be withheld as it falls under the exemption in Section 35(1) (a) of the Freedom of Information Act 2000. Section 35 is a qualified exemption and I have considered whether the balance of the public interest favours our release of this material. There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. These public interests have to be weighed against a strong public interest that policy-making and its implementation are of the highest quality fully informed by consideration of all the options. Ministers must be able to discuss policy freely and frankly, exchange views on all available options and understand their possible implications there is a risk that Ministers may feel inhibited from being frank and candid with one another in discussion. As a result, the quality of debate underlying collective decision making would decline, leading to worse informed and poorer decision making. Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information.

Under Section 42 legal professional privilege. Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information. Having considered the public interest as it relates specifically to section 42, this department's decision is therefore to withhold the information.

If you are unhappy with the service you have received in relation to your request, or wish to request an internal review, you should write to:

Sue Gray
Director
Cabinet Office
70 Whitehall
London
SW1A 2AS

E-mail: foiteam@cabinet-office.x.gsi.gov.uk

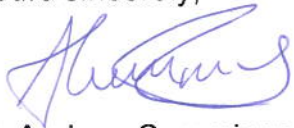
Please remember to quote the reference number at the top of page 1 of this letter communications. Please note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:



The Information Commissioner's Office
Wycliffe House
Water Lane
Cheshire
SK9 5AF

Yours sincerely,



Mr Andrew Cummings

