



Foreign &
Commonwealth
Office

Zimbabwe Unit
Africa Department
LONDON SW1A 2AH

2 February 2009

By e-mail: request-4613-679cf11c@whatdotheyknow.com

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Dear Mr Nash,

FREEDOM OF INFORMATION REQUEST – 0978-08

Thank you for your FOI request dated 8 December 2008. We are now in a position to provide you with a response to your request for information.

Your request read as follows:

Please can you provide me with any information you hold on Mr Nicholas Van Hoogstraten especially in relation to his companies in Zimbabwe.

We have conducted a search of our records and identified a number of papers regarding your request.

There is media reporting relating to your request which is in the public domain. Under Section 21 of the Freedom of Information Act documents which are available by other means are exempt. However, I can attach a link to the information for your convenience.

www.timesonline.co.uk/tol/news/world/africa/article3261404.ece Some of the information you have requested is exempt under Section 35(1)(a) - the formulation of government policy. This exemption requires the application of a public interest test. It is recognised that there is a public interest in the greater transparency in the decision making process to ensure accountability within public authorities. However, officials need to be able to conduct assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which much close off better options and inhibit the free and frank discussion of all policy options. For these reasons we consider that public interest in maintaining this exemption outweighs the public interest in disclosure.

Some of the information you have requested, is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle which, in our view, would be breached by disclosure. In such circumstances s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint, or request a review of our decision, you should write to me at the above address. You have 40 working days to do.

If you are not content with the outcome of that internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaint procedure provided by the Foreign and Commonwealth Office. The Information commissioner can be contacted at:

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

Yours sincerely

Nadia Ramrayka
Zimbabwe Unit