

Mr Alex Skene
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Our ref: F0005085 TRSEC 5/23/01

27 April 2009

Dear Mr Skene

Freedom of Information Act Complaint

Thank you for your email dated 20 March 2009 asking for an internal review of the Department's handling of your request, under the Freedom of Information Act 2000 ("the 2000 Act"), for the list of goods prohibited from carriage in cabin baggage contained in the Annex to Commission Regulation (EC) No 622/2003.

I have undertaken an internal review of our decision letter dated 19 March 2009 and have concluded that the handling of your request of 10 March 2009 was not compliant with procedural obligations. We should have provided you with the details of any relevant exemption and the appropriate complaints procedure. Please accept my apologies for this oversight. I note Mr Malik's letter to you of 27 March 2009 in which he acknowledged the Department's failure to provide you with details of how to ask for an internal review and how to complain to the Information Commissioner and that these details were provided as an attachment to his letter.

In your e-mail of 10 March 2009, you requested "the list of prohibited goods from cabin baggage that are detailed in the Annex to Commission Regulation (EC) No 622/2003". We advised, in our e-mail of 19 March 2009, that the list of prohibited goods from cabin baggage is now contained in the Annex to Commission Regulation (EC) No 820/2008. I confirm that the list of prohibited goods in Regulation 820/2008 is the same as the list of prohibited goods in Regulation 622/2003, as amended. For completeness, I should explain that the list of prohibited goods in Regulation 622/2003 was amended in 2006 to prohibit the carriage of liquids.

Under section 21 of the 2000 Act, we are not required to provide information which is already reasonably accessible to you. The information you requested is available at [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:221:0008:0022:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:221:0008:0022:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:221:0008:0022:EN:PDF).

However, for ease of reference, please find enclosed an electronic copy of the Annex to Regulation 820/2008. Section 4 of the Annex details the list of prohibited goods you have requested.

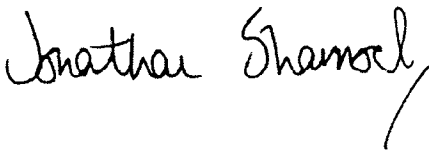
In your letter of 20 March 2009 you indicated that you had specifically asked for the annex text of EC Regulation 622/2003. However, the annex text includes information other than the list of prohibited goods. As we pointed out in our e-mail of 19 March 2009, the Annex to EC Regulation 622/2003 remains classified and, as such, it is exempted information under section 44 of the 2000 Act. Section 44(1)(b) of the 2000 Act provides an absolute exemption from disclosure of information where disclosure would be incompatible with any Community obligation. Article 3 of EC Regulation 622/2003 provides that the measures laid down in this Regulation shall be secret and shall not be published.

I hope that this letter now fully satisfies your query but if you remain unhappy with the way the Department has handled your request or with the decisions made in relation to your request 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.

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

Yours sincerely

A handwritten signature in black ink that reads "Jonathan Sharrock". The signature is written in a cursive style with a long, sweeping underline.

JONATHAN SHARROCK