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Mr Horne

[request-259970-f1ffd3f6@whatdotheyknow.com](mailto:request-259970-f1ffd3f6@whatdotheyknow.com)

FOI Ref: 34867

Date: 23 April 2015

Dear Mr. Horne,

Thank you for your e-mail of 24 March 2015 in which you ask for details regarding the government's security memorandum of understanding with Bahrain. Your request has been handled as a request for information under the Freedom of Information Act 2000.

I can confirm that the Home Office holds the information that you requested. However, after careful consideration we have decided that the information is exempt from disclosure under sections 24(1) and 27(1)(a) of the Freedom of Information Act. These provide that information can be withheld for the purpose of safeguarding national security and where disclosure would prejudice relations between the UK and any other state. The public interest falls in favour of applying these exemptions as the MoU contains information relating to the UK's security co-operation with Bahrain, the release of which would damage the UK's bilateral relationship. Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out in the attached Annex.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 34867. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team

Home Office

Ground Floor, Seacole Building

2 Marsham Street

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e-mail: [info.access@homeoffice.gsi.gov.uk](mailto:info.access@homeoffice.gsi.gov.uk)

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

FOI Team

## Freedom of Information request from Mr. John Horne (reference 34867)

### Information requested

*The recently published 2014 Annual Report on the CONTEST strategy notes that the government has "signed security memorandums of understanding or similar agreements with countries (Saudi Arabia, Qatar, Kuwait, Bahrain and Brazil) to broaden and deepen security relationships between our respective countries;"*

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415711/contest\\_annual\\_report\\_for\\_2014\\_print.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415711/contest_annual_report_for_2014_print.pdf)

*I would like to request further information regarding the agreement/MOU signed with Bahrain. Specifically, I would like to request details of what the agreement entails (and if possible a copy of the agreement), the specific authorities the agreement is between and the date on which it was signed.*

### Response

The information is exempt from disclosure under sections 24 and 27 of the FOI Act. The section 24 exemption applies to information that must not be disclosed in order to safeguard national security and section 27 provides that information is exempt if its disclosure would be likely to prejudice between the UK and any other state.

### Public interest test

Some of the exemptions in the FOI Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information, or the considerations for and against the requirement to say whether the information requested is held or not. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. The 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

### Section 24(1) - National Security

*(1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.*

### Considerations in favour of disclosing the information

There is a general public interest for the Government to be open and transparent to maintain public trust. This improves engagement with Government and allows for an informed and public debate.

Release of information contained within the MoU and the MoU itself, may meet this interest and increase public understanding of the Home Office's international programme of work.

#### Considerations in favour withholding the information

Disclosure of information would open up detailed information about the UK's security co-operation, including the type of work undertaken, details of partners we work with and potentially the identity of areas where the threat to the national security of the UK is greatest. This may impact negatively on the delivery of the MoU, specifically activities linked to the safeguarding of UK national security. These factors would serve to undermine the effectiveness of the Home Office, and consequently weaken and prejudice the national security of the UK.

Release of this information and background would have a significantly detrimental impact on the development of future engagement. Release could discourage officials from engaging in candid and open debate and challenging established ideas, which are important parts of bilateral engagement.

### **Sections 27 – International Relations**

*(1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice—*

*(a) relations between the United Kingdom and any other State*

#### Considerations in favour of disclosing the information

There is a general public interest for the Government to be open and transparent to maintain public trust. This improves engagement with Government and allows for an informed and public debate.

Release of this information could be said to have the effect of encouraging greater public involvement in the development of international co-operation, thus increasing public participation and debate. An improved quality of debate could impact positively on outcomes, as proposals would have been subject to a greater degree of public scrutiny and discussion.

#### Considerations in favour of withholding the information

There is a strong public interest in maintaining the principle of full and frank discussion, and which safeguards the openness in all communications between the Home Office and its counterparts overseas. There is a clear and compelling justification for protecting such communications, which the overseas administration reasonably considers to be confidential, to ensure full and frank access to information by both parties.

The ability for officials to communicate candidly is a crucial aspect of the safe space required for effective bilateral discussion. Without the protection afforded by this safe space, policy development and effective security co-operation with Bahrain and countries would be markedly more difficult, both now and in the future.

The public interest in this instance is best served by officials and Ministers being allowed to formulate policy, safe in the knowledge that their deliberations will not be made public. Nowhere is this need more compelling than in security co-operation with overseas counterparts.

We conclude that the balance of the public interest lies in withholding the information.