



Department
for Exiting the
European Union

Freedom of Information Team
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Juan Corellano
Via: request-460044-0ec1f285@whatdotheyknow.com

Our ref: DEX001031

22 February 2018

Dear Juan Corellano,

I refer to your request, where you asked for:

"finally the exit of the United Kingdom from the European Union occurs, I have a some doubts about how the situation of the British citizens residing in Spain will be. That is to say, if they lose their status as EU citizens and start to be considered as non-EU citizens in Spain, will that affect the rights that they previously enjoyed? Rights such as (among others):

- Freedom of movement when travelling.
- Access to their UK pensions.
- Access to Spanish public health services.
- The right to work in Spain.

In addition, if this change of status affect to this fields previously mentioned: Will they affect the same way to Spanish residents in the United Kingdom? If not, what will be the differences between British citizens in Spain and Spanish citizens in Great Britain?

Note: if this concrete information is still unknown as the negotiations are uncompleted yet I would appreciate any statistical data related with the actual situation of this two cases (British citizens in Spain and the opposite)."

In accordance with guidance issued from the Information Commissioner's Office, the majority of your request for information on citizens rights does not constitute a valid request for information. I have included a link to the guidance below:

<https://ico.org.uk/for-the-public/official-information/>

The guidance states a request under the Freedom of Information Act 2000 (FoIA) must be for recorded information held by the Department. The current wording of your request asks a question relating to future policy rather than requesting recorded information held by the Department.

However, I have provided further information on the subject area of your request, which you may find useful.

During our exit from the EU, the Prime Minister has said that there needs to be reciprocal protections for British Citizens living in the EU and for EU citizens living in the UK. The Joint Progress Report from phase 1 of the exit negotiations contains further information on citizen rights, I have included a link to the report below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/665869/Joint_report_on_progress_during_phase_1_of_negotiations_under_Article_50_TEU_on_the_United_Kingdom_s_orderly_withdrawal_from_the_European_Union.pdf

I have included the link to the technical note on administrative procedures on citizens rights :

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/657694/TECHNICAL_NOTE_CITIZENS_RIGHTS_-_ADMINISTRATIVE_PROCEDURES_IN_THE_UK.pdf

The second part of your request (“any statistical information related [to...] British citizens in Spain and the opposite”) is too broad to constitute a valid request. We would be happy to provide a response however if you are able to reframe this question in such a way as to frame a valid request for recorded information. For example, “figures estimating how many UK citizens are currently recorded as living in Spain”. The better you are able to describe the information you are seeking, the more we will be able to assist you.

If you have any queries about this letter, please contact the FOI team. 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 or wish to request an internal review, you should write to foi@dex.eu.gov.uk or:

Freedom of Information Team (internal review)
Department for Exiting the European Union
9 Downing Street
SW1A 2AG

You should note that DExEU 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 DExEU. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Freedom of Information Team, DExEU.