



# Foreign & Commonwealth Office

## Consular Directorate

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Our reference: FOI 0957-10/CONS 83-10

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*Dear Mr Elibank,*

## **REQUEST FOR INFORMATION UNDER THE FREEDOM OF ACT 2000: REF 0957-10**

Thank you for your e-mail of 24 October to the Information Rights Team in which you requested, under the Freedom of Information Act 2000 (FOIA or Act), the following information about loans issued to those who have received consular assistance in connection with a forced marriage case:

*"I understand that in the event a person in danger of being forced into a marriage cannot obtain funds to repatriate themselves, the Foreign & Commonwealth Office may be able to loan [them] the money for a ticket."*

*Please provide me with a list of all such loans, the dates, the country/countries involved, the amounts, the dates and details of repayment and the terms of the loans.*

*I am only interested in such loans made in the last two years."*

I can confirm that the Foreign and Commonwealth Office (FCO) holds information relevant to your request.

The total amount the FCO has loaned to British nationals involved in forced marriage cases during the financial years 08/09 and 09/10 is shown in the attached table. Each total listed represents the amount loaned in each forced marriage case and the country involved (a total of 23 cases).

We are unable to disclose any further details on these loans, i.e. to whom they were made and the exact details, as this information constitutes personal data under Section 40 of the Act, the disclosure of which would contravene one of the data protection principles. In such circumstances, Section 40 (2) and (3) of the FOIA applies. 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, Section 40 confers an absolute exemption on disclosure.

The FCO only loans money from public funds to British nationals as a last resort. This money is provided on an Undertaking to Repay (UTR) basis. The FCO official considering the loan will be required to ensure that the individual does not have any access to funds and has exhausted all other means of obtaining them. Once a loan has been approved, he/she

will be asked to sign a UTR form, providing their personal details (name, address, date of birth). A UTR form is a signed, dated document, valid in a court of law, which commits the signatory to repaying to HM Government the amount borrowed. The loan provided by the FCO covers travel and local subsistence needs, but not outstanding fines, excess baggage, or UK subsistence/travel costs. The British national signs the following declaration, which confirms that they are fully aware of the terms of the loan agreement.

**"I undertake and promise to repay the Foreign and Commonwealth Office the above sum in Sterling. I understand that if this sum is not repaid within six months of the request for payment, a 10% surcharge will be added in lieu of interest.**

**I understand and agree that passport facilities will not be available to me until my debt is paid in full, and that failure to repay may result in legal proceedings to recover monies owed.**

**I consent to the Department of Work and Pensions releasing to the Foreign and Commonwealth Office such information as may be relevant in respect of any non-payment of this debt, including details of my current address and any benefits or allowances paid to me."**

The FCO will continue to pursue payment for a couple of years (normally at 6 month intervals) before deciding on what further action to take. As in the statement above, passport facilities will remain unavailable until the debt is fully re-paid.

In keeping with the spirit and effect of the FOIA, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

I hope you are satisfied with this reply. If you have any queries about this letter, or are unhappy with the service you have received in relation to your request and you wish to make a complaint or if you would like a review of our decision, please write to the Information Rights Team at The Old Admiralty Building, Room SG 120, London, SW1A 2PA. E-mail: [dp-foi.img@fco.gov.uk](mailto:dp-foi.img@fco.gov.uk). Please remember to quote the reference number above in any future communications. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the FCO. The ICO can be contacted at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

We continually strive to improve our service, so we would welcome your feedback and comments. If you would like to provide feedback, please email our Information Rights Team at: [dp-foi.img@fco.gov.uk](mailto:dp-foi.img@fco.gov.uk).

You can also find out more about the FCO and freedom of information issues at our Access to Information website: <http://foi.fco.gov.uk/en>

*Yours sincerely,*

*Louise Edwards*

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Strategy, Communications and Training Group

