



Foreign &  
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Mr Edward Williams  
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13 August 2019

Dear Mr Williams,

**INTERNAL REVIEW OF FOI REQUEST REF: 0484-19**

Thank you for your request dated 19 July 2019 for an internal review of the Foreign and Commonwealth's response to your earlier request – dated 22 May 2019 - under the Freedom of Information Act 2000.

Your original request was as follows:

*Provide a list of all persons who you/HM Govt. has been involved with as regards rendition to Libya when Colonel Gaddafi was in power. On the list state if the U.S. CIA was involved.*

The Foreign and Commonwealth Office's response to your original request explains that it could neither confirm nor deny that it held any information, falling within the scope of your request, as the FCO judged it is in the public interest to do so.

You subsequently, on 19 July 2019, requested an internal review.

*Please pass this on to the person who conducts Freedom of Information reviews.*

*I am writing to request an internal review of Foreign and Commonwealth Office's handling of my FOI request 'Rendition to Libya'.*

*A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.whatdotheyknow.com/request/rendition\\_to\\_libya](https://www.whatdotheyknow.com/request/rendition_to_libya)*

I have undertaken this review to consider whether the decision to neither confirm nor deny whether or not we hold such information as you have requested was appropriate.

Having substantively discussed the matter with the respondent:-

I fully support the use of the exemption under section 27(4) of the Freedom of Information Act (FOIA) which relates to the damage of international relations. This exemption is subject to the public interest test and I am satisfied that this has been considered in full.

I also agree with the use of section 40(5)(B)(a)(i) of the FOIA. This is an absolute exemption and there is no public interest test to apply.

I support the response that the request is subject to legal professional privilege under section 42(2) and as such I similarly support the view that the public interest in maintaining LPP outweigh the arguments in favour of disclosure.

In totality, I endorse the officer's response to neither confirm nor deny whether the information exempted under section 27, section 40, and section 42 above represents all of the information held that would meet the terms of the request and that the duty to comply with section 1(1)(a) of the FOIA does not apply by virtue of section 23(5) and 24(2) of the Act.

In the course of the internal review, I have familiarised myself with the relevant guidance published by the Information Commissioner's Office, which is available on its website at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>.

That said, I am content that all of the above exemptions have been correctly applied and after thorough consideration on the basis of the above findings, the internal review has upheld the original decision.

If you feel we have not handled your request for an internal review and remain dissatisfied with the FCO's response, you have the right of appeal to the Information Commissioner at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Details of the appeal procedure can be found on the ICO website: <http://www.ico.org.uk>.



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