



Foreign &
Commonwealth
Office

Northern and Central Europe Department
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <https://www.gov.uk>

Mr J. Smith
request-355023-6225419b@whatdotheyknow.com

13 March 2017

Dear Mr Smith,

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 1055-16

Thank you for your email of 14 November 2016 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

I would like to request the copies of any UK ambassadors' valedictory dispatches or first impressions' dispatches from the years 1998 to 2006 from the Netherlands and Republic of Ireland.

I am writing to confirm that we have now completed the search for the information which you requested and that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request. Please find attached the information that the FCO can release to you.

Some of the information within the scope of your request is exempt under Sections 27(1) and (2) of the Act as it relates to confidential Government to Government discussion with other States and international organisations. Section 27(1)(a) of the FOIA recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states if it was disclosed.

The application of s.27(1)(a) requires us to consider the public interest test arguments in favour of releasing and withholding the information. We acknowledge that releasing information on this issue would increase public knowledge about our relations with Ireland and the Netherlands. However, s.27 (1) (a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. If the United Kingdom does not maintain this trust and confidence, its ability to protect and promote UK interests through international relations will be hampered, which will not be in the public interest. The disclosure of information detailing our relationship with these Governments could potentially damage the bilateral relationship between them and the UK. This would reduce the UK government's ability to protect and promote UK interests through its relations with Ireland and the Netherlands, which would not be in the public

interest. For these reasons we consider that, the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Some of the information you have requested, is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. 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, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Some of the information you requested is also being withheld under Section 36 (2)(c) - "Prejudice to the effective conduct of public affairs". Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act would, or would be likely to, prejudice the effective conduct of public affairs. Section 36 is a qualified exemption and so the public interest test applies.

In reaching this decision we acknowledge that there is a general public interest in greater transparency in how Government operates and in how it reaches decisions. It is the view of a Minister of the Crown that disclosure of this information would be likely to make officials more circumspect about engaging in the exchange of views. The disclosure of information in this case could therefore inhibit the candour of future exchanges of views within government. We recognise that there is a general public interest in ensuring that transparency of decision-making. However, the Act recognises the strong public interest in protecting the space that Ministers, advisers and officials have to consider and discuss options to ensure that policy is accorded with full and proper consideration. Reluctance on their part to give or seek advice, or to feel able to engage in candid exchanges of views, would result in less informed and therefore less effective decision making. For these reasons, we consider that the public interest in maintaining this exemption outweighs the arguments in favour of disclosure. Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, we may now publish the response and any material released on gov.uk in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

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I hope you are satisfied with this reply. However, if you wish to make a complaint or if you would like a review of our decision, please write to the FOI and DPA Team, Foreign and Commonwealth Office, Room K4.04, King Charles Street, London, SW1A 2AH or email: foi-dpa.imd@fco.gov.uk. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the FCO.

The Information Commissioner can be contacted at: Information Commissioner's Office,
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

Northern and Central Europe Department
Europe Directorate



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.