

11 May 2012

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0381-12

Thank you for your email of 30 March 2012 asking for policy documents relating to UK bilateral aid to the Pakistan Anti-Narcotics Force in 2001 and 2002.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request. Copies of the documents we are able to release are enclosed.

However, we are unable to release some of the information as the public interest test for section 27 (1) (a) (International relations between the UK and any other state) found in favour of non-disclosure. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosing the information.

We acknowledge that releasing information on this issue would increase public knowledge about our relations with Pakistan. However, section 27 recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. It is important that the United Kingdom maintains this trust and confidence with Pakistan. However, the disclosure of some of the information detailing our interaction with the Pakistani Government could potentially damage the bilateral relationship. This would significantly reduce the UK Government's ability to protect and promote UK interests through its relations with Pakistan, which would clearly not be in the public interest. For these reasons, we consider that the public interest in still maintaining this exemption outweighs the public interest in disclosing it.

Further information is exempt under section 40 (personal information) as it relates to personal data of third parties. It is our view that disclosure of this information would breach the first data protection principle, which states that personal data should be processed fairly and lawfully. Section 40 (2) and (3) of the FOIA therefore apply. It is the fairness aspect of this principle which we think would be breached by disclosure in this case. In such circumstances section 40 confers an absolute exemption on disclosure and therefore there is no requirement to apply the public interest test.

The FCO can neither confirm nor deny whether the information disclosed represents all the information held that would meet the terms of your request, as the duty to comply with section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of sections 23(5) and 24(2). Section 23 is an absolute exemption and as such is not subject to a public interest test.

To the extent that section 24(2) applies, the FCO has determined that in all circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether or not the information is held, and to give a statement of the reasons why the exemption applies would itself involve the disclosure of exempt information. Therefore under section 17(4) of the Act the FCO is not obliged to give such a statement.