



Foreign &
Commonwealth
Office

Diplomatic Missions and
International Organisations Unit
Protocol Directorate

Room K83
King Charles Street
London SW1A 2AH

www.gov.uk/fco

4 December 2015

Dear

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 1076-15

Thank you for your email of 9 November about diplomatic immunity and offences alleged to have been committed by foreign diplomatic staff and their families based in London since 2011, specifically:

- *Does the Foreign and Commonwealth Office hold documentation detailing instances when foreign diplomats and their families have claimed diplomatic immunity in relation to alleged of actual criminal activity.*
- *How many individuals have claimed immunity in the each year 2011-2015*
- *In what capacity individuals had diplomatic immunity*
- *Which Embassy or High Commission was each individual linked to*
- *State the alleged offence committed by each individual*
- *State whether each individual is still based in the UK*
- *Details of instances where foreign diplomats have had their immunity waived*

We can confirm that the Foreign and Commonwealth Office (FCO) does hold information related to your request. Parliamentary and Diplomatic Protection (PaDP) of the Metropolitan Police notifies us of incidents and offences. These figures include both offences allegedly committed by, and also offences allegedly committed against persons attached to diplomatic missions and international organisations, and dependant family members in the UK.

Since 2011 PaDP has notified us of:

2011: 771 incidents/offences;

2012: 996 incidents/offences;

2013: 873 incidents/offences;

2014: 1030 incidents/offences.

Since the start of 2015 PaDP has notified us of 850 incidents/offences

Every year the Secretary of State for Foreign and Commonwealth Affairs makes a Written Ministerial Statement to Parliament on serious offences, which have allegedly been committed by members of the diplomatic community in the UK. Some of the information you request may be contained within these statements. The last statement made on 16 July 2015 gave the figures for 2014, and a record can be found here:

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150716/wmstext/150716m0001.htm>

Figures for 2013 and a record can be found here:

<http://www.publications.parliament.uk/pa/ld201415/ldhansrd/text/140715-wms0001.htm>

Figures for 2012 and a record can be found here:

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130711/wmstext/130711m0001.htm>

Figures for 2011 and a record can be found here:

<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120705/wmstext/120705m0001.htm>

The Foreign Secretary will make a further Written Ministerial Statement in July 2016, covering alleged serious offences in 2015. This information is therefore exempt under Section 22 of the Freedom of Information Act (Information intended for future publication). Section 22 provides that:

Information is exempt information if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)
- (b) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

The exemption under Section 22 of the Freedom of Information Act recognises that it must be reasonable in all the circumstances to withhold the information until the date of publication. Given the necessary preparation and administration involved in publishing the information, we consider that our publication timetable is reasonable.

Searching for the specific information you request would require us to check each and every notification from PaDP stored electronically and on paper since 2011. We would also have to check any subsequent records, to confirm the nature of the alleged incident or offence and whether a waiver of immunity was requested and subsequently granted. We would also need to check the personal record of every individual alleged to have committed an offence, in order to establish their position at the diplomatic mission or international organisation and whether they remain in the UK. We estimate that the cost of searching for this information, and therefore complying with this part of your request would exceed the appropriate limit of £600.

Section 12 of the Freedom of Information Act makes provisions for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central government the appropriate limit is set at £600. This represents the estimated cost of one or more persons spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it. Your request as presently formulated is widely-framed and I estimate that it will take more than 3½ working days to locate, retrieve and extract this information. In these circumstances, we are not obliged under the Act to comply with your request.

In order for your request to fall within the appropriate limit we would recommend you narrow your request down. You might consider concentrating on a particular country over a specific time period. However, you should be aware that this does not guarantee an automatic

release, as all information must be assessed in detail. Any reformulated request will be treated as a fresh request under the Act and any information that is found as a result may be subject to exemptions under the FOI Act.

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).

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.

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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Yours sincerely,

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