



Foreign &
Commonwealth
Office

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FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: FOI 0837-14

Thank you for your email of 26 August 2014 asking for information under the Freedom of Information Act (FOIA) 2000.

We have now completed our search and consultation process and I can confirm that the Foreign and Commonwealth Office (FCO) does hold some information relevant to your request. I have answered your questions in the order you sent them, where possible.

1. Please could you inform me of how many british citizens have been arrested/detained for sexual and child sex offences overseas and in what countries in the following time periods

Between 01 January 2012 and 31 December 2012

Between 01 January 2013 and 31 December 2013

The numbers for British Citizens reported to the Foreign and Commonwealth Office (FCO) arrested/detained for child sex offences is accessible by other means and is therefore exempt under section 21 of the FOIA.

This information can be found on the GOV.UK website – the link for this is as follows: - <https://www.gov.uk/government/collections/consular-data>.

The information is available by month, for each of our diplomatic missions overseas. The specific information can be found under the column labelled "Arrest/Detention - Child Sex". Please note that where the number of reported cases is less than five for a diplomatic mission, these have been annotated as < 5, to avoid the risk of identifying the individuals concerned. To release this data would constitute a breach of Data Protection Act and we are therefore withholding this information under Section 40 of the FOIA. Some of the withheld information is personal data relating to 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. We do not therefore have to apply the public interest test.

The FCO does not record separately details for British Citizens who have been arrested/detained for sexual offences. Such figures would potentially be included under the "Arrest/Detention – General" heading and are also available on the GOV.UK website. We would have to search each individual case on our database to see if we hold any information relevant to this part of your request, which would exceed the appropriate cost limit. Section 12 of the FOIA makes provision 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 3 ½ 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 3 ½ working days to locate, retrieve and extract this information. In these circumstances, we are not obliged under the FOIA to comply with your request.

2. *Please could you also define what you mean by 'opened cases' and 'service opened'.*

'Opened cases' – this is the status of a case on the FCO's "Compass" consular database which is currently active / on going.

„Service opened“ – when a case is set up on Compass it is given a primary attribute, such as Arrest/Detention – General. This primary attribute indicates the initial reason for contact or assistance the FCO is providing. This primary attribute is also known as a service. The “service opened” is the date the service was added to the case.

3. *Please could you comment on what the arrangements are for those individuals arrested/detained or convicted for sexual offences who open services with you (are there any specific information).*

The level of service we aim to provide British nationals arrested / detained or convicted of sexual offences overseas will be no different to other British nationals arrested or detained overseas. Page 17 onwards of our guide, **Support for British nationals abroad: A guide**, which is available on the GOV.UK website gives details of the consular assistance we aim to provide to British nationals who are detained overseas - the link for this is as follows:- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224126/FCOBritsAbroadA4_0713xx.pdf.

4. *Do you inform any other domestic agencies (such as the Police Service) when you are requested to open services for British citizens arrested/detained or convicted of a sexual offence overseas*

We are required to inform the UK Police authorities if a British national is convicted of certain serious offences, such as sexual assault. We also publicise this on the GOV.UK website - https://www.gov.uk/government/publications?keywords=prisoner+pack&publication_filter_option=all&topics%5B%5D=all&departments%5B%5D=foreign-commonwealth-office&official_document_status=all&world_locations%5B%5D=all&from_date=&to_date=&commit=Refresh+results

5. *Do you assist in deportations of British offenders convicted of a sexual offence overseas?*

The decision to deport a British national back to the UK from another country is a decision of the appropriate authority of that country, in line with their local laws and processes. However, we may need to assist with the issue of a passport or Emergency Travel Document or provide consular services until that deportation takes place.

6. *Do you inform any domestic agencies about the deportation of british sex offenders to the UK (such as informing the Police of arrival date)?*

For any person deported to the UK following a prison sentence for certain serious offences, such as sexual assault, we would inform the relevant UK authorities of the deportation.

Yours sincerely,

FOI / DPA Team
Consular Directorate