



Foreign &
Commonwealth
Office

**British Indian Ocean Territory
Administration**
Overseas Territories Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

11 August 2014

Environmental Information Regulations 2004 (EIR) REQUEST REF: EIR004-14

Thank you for your email of 03/06/14 asking for information under the Environmental Information Regulations 2004 (EIR). You asked:

Copies of all periodical reports on the Chagos by John Topp in his role as Environmental/Conservation Adviser to the BIOT Commissioner. These are believed to cover the years 1993-2002 (but possibly also slightly prior to or post these dates).

I am writing to confirm that we have now completed the search for the information which you requested.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold some information relevant to your request.

The relevant information is the Annual Visit Reports from 1994, 1995, 1996, 1998, 2000, 2001 and 2002. Please find these correspondences attached

While the 1994 report refers to a 1993 report, we have been unable to locate a copy of this report held by the FCO despite a thorough search of both our electronic and paper records. We do not have copies of either the 1997 or 1999 reports, or an indication that visits took place in those years or that reports were produced.

Where possible the information has been included in full, but in some cases we are unable to disclose parts of the documents which we consider to be exempt under regulation 12(5)(a) of the Environmental Information Regulations 2004. We have also withheld information containing personal data in line with section 1(1) of the Data Protection Act 1998 and protected by section 13 of the Regulations.

Section 12(5)(a) of the Regulations permits the withholding of information if its publication would adversely affect international relations, defence, national security or public safety. This is a qualified exemption which requires that the FCO considers carefully the balance of public interest in publishing the information. The FCO considers that there is general public interest in greater transparency in how Government operates and in demonstrating the methods of communication it conducts with other states. Open policy making may also lead to increased trust and engagement between citizens and government.

However, with regard to this information and section 12(5)(a), we have had to balance the important public interest in disclosure of information against the public interest in protecting the UK's international relationships, in this case with the US. Publication of the redacted information would reduce the willingness of the US government to engage with the UK and would weaken the ability of the FCO to operate in the UK's national interest. The FCO considers that this factor outweighs the public interest in releasing the information.

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 regulation 13(1) of the EIRs applies. 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, regulation 13 confers an absolute exception on disclosure.

In keeping with the spirit and effect of the EIRs, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

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Yours sincerely,

Assistant Desk Officer
Falklands and Southern Oceans Department



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