



Foreign &
Commonwealth
Office

Western Balkans Department
Foreign and Commonwealth Office
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London SW1A 2AH

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

29 August 2017

Dear

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0678-17

Thank you for your email of 17 July 2017 asking for information under the Freedom of Information Act (FOIA) 2000 related to Macedonia. You asked for:

- *Records of meetings between FCO/British Embassy Skopje and the Special Prosecutor in 2015-2017;*
- *A search for documents containing the name "Gamma International" and Gamma Group" from 2015-2017.*

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 information covering the areas that you requested. I have attached a digest of e-mails covering both requests and a copy of a redacted submission concerning the supply of surveillance equipment in 2012.

With regard to the release of information concerning meetings with the Special Prosecutor, we are withholding some information under the following provisions of the Act :

- Section 27 (1)(a) – likely to prejudice relations between the UK and Macedonia;
- Section 31 b) – information likely to prejudice the prosecution of offenders and c) the administration of justice;
- Section 41 – information provided in confidence

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 s27(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 UK engagement with the Special Prosecutor, however s27 (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. For this reason we consider that, the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Some of the information we considered for your request is exempt from release under Section 31 (b) and (c) of the FOIA, as information that, if disclosed could prejudice the prosecution of offenders and the administration of justice. Section 31 is a qualified exemption subject to the application of a public interest test to determine whether or not the information should be released. The information we hold relates to internal discussion and some details about ongoing investigations. We consider that such information appearing in the media as a result of any disclosure by the FCO could have a negative impact on any ongoing investigations by the Macedonian authorities.

Some information has been withheld under Section 41(1)(b), as it is information that was provided in confidence by the Special Prosecutor's Office. It is our view that disclosure of this information would constitute an actionable breach of confidence and so disclosure would also be unlawful under the Act. In these circumstances, Section 41 of the Freedom of Information Act confers an absolute exemption on disclosure and there is no public interest test to apply.

With regard to the release of information concerning Gamma International, we are additionally withholding some information under the following provisions of the Act :

Section 35 – information related to the formulation and implementation of Government policy
Section 43 – Commercial Information

Some information is specifically being withheld under section 35(1)(a) of the Act. In applying the required public interest test we recognise that there is public interest in transparency in the formulation and implementation of Government policy. However, we also recognise that Ministers and officials need to be protected from such transparency to be able discuss and debate policy free from the pressures of public political debate. There is a strong public interest in ensuring high-quality policy-making and implementation. For Government to succeed in upholding the public interest, Ministers and officials need to be able to consider, debate and understand implications of the policy and how it is presented. Their candour in doing so will be affected by their assessment of whether the content of such discussions will be disclosed in the near future.

Some of the information is exempt under Section 43 of the Act, which relates to commercial interests. The use of this exemption was carefully considered. The factors in favour of disclosure of this information, including the general public interest and greater transparency and accountability, were carefully weighed against the need to allow business-people and commercial organisations the space to conduct their lawful business competitively and without fear of disclosure of sensitive commercial information. However, we consider that this transparency also poses risks in that companies and individuals would, if this information were disclosed, be much less likely to provide the FCO with commercially sensitive information. This would limit the sources of information and interlocutors available to the FCO. In doing so, it would seriously impair our ability to work for UK interests in a safe, just and prosperous world. In this case after such consideration we believe that the public interest in withholding the small amount of redacted information outweighs the public interest in its release.

Yours sincerely

Western Balkans Department



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.