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Commonwealth
Office

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26 August 2014

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0406-14

Thank you for your email of 7 April asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Could you please release to me full list of projects that the FCO is funding in Afghanistan (title and brief description), the budget for each project, UK's partners in delivering these projects, the approximate length of each project and the recipients of the funds.

Following further correspondence, we agreed to narrow your search to the period 2008-present given the cost implications of a search for the full period originally requested. 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 relevant to your request. Alongside this letter, you will find a list of budgets and titles of FCO-funded projects from 2008 to the present date. In order to remain within the cost limit set by the FOIA, we have only been able to supply the budgets and titles of projects during the time period specified. This list does not detail all projects; some of the information has been withheld using Section 27 – International Relations and Section 40 – personal information.

Section 27(1)(a) of the FOIA recognises the need to protect information that would be likely to prejudice relations between the UK and other states if it were disclosed. In this case, the release of some of the information you have requested may harm our relationship with the Government of Afghanistan.

The application of Section 27 requires us to consider the public interest test arguments in favour of releasing or withholding the information. We acknowledge that releasing information on this issue would increase public knowledge about the FCO's projects, activities and expenditure in Afghanistan. However, Section 27(1)(a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. If the UK 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. The disclosure of all information detailing projects undertaken in Afghanistan includes some which are sensitive and could if released cause damage to our

relationship with the Afghan Government. This could impact on our ability to protect and promote UK interests in Afghanistan, which would not be in the public interest. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosure.

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 Freedom of Information Act 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.

Further to this, the FCO can neither confirm nor deny whether it holds any additional information that would meet the terms of your request, in reliance on the exemptions in sections 23(5) and 24(2) of the FOIA. To the extent that section 24(2) applies, the department has determined that in all circumstances of the case, the public interest in maintaining 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 exception applies would involve the disclosure of exempt information. Therefore, under section 17(4) of the FOIA, the FCO is not obliged to give such a statement. However, this should not be taken as necessarily indicating that any further information what would meet your request exists or does not exist.

In keeping with the spirit and effect of the FOIA, 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,

Desk Officer
Pakistan & Afghanistan Department