



Foreign &
Commonwealth
Office

Counter Terrorism Department
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

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

By E-mail:

25 November 2014

Your Freedom Of Information Request: 0997-14

Thank you for your request for information which we received on 28 October. In your request you asked:

'Thank you for your letter of 14 July 2014, a copy of which is enclosed for reference.

I note the further search conducted by your team confirmed that the FCO contributed £145.92 towards the cost of accommodation for Dr Peter Ndegwa, the Kenyan government pathologist, to attend the trial of Mr Ali Babitu Kololo on 19 November 2012.

I would be grateful if you could, as soon as possible and in any event within twenty working days from the date of this request, provide full details of the basis upon which the FCO authorised this contribution, including but not limited to details of:

- a) the department budget from which this contribution was paid;*
- b) the relevant legislation, statutory instrument and/or guidance under which this contribution was authorised, together with extracts of the relevant sections or paragraphs; and*
- c) the procedures that were followed and/or approvals that were obtained in respect of this contribution, including full reasoning for the authorisation of the same.*

Should you be unable to provide any of the information requested above, I would be grateful if you could give full reasoning for the non-disclosure. If any of this information is already in the public domain, please direct me to this, with page numbers references and URLs if necessary.'

I am writing to advise you that following a search of our paper and electronic records, I have established that the Foreign and Commonwealth Office (FCO) does hold information in relation to your request.

With regards to the department budget, I can confirm that the FCO contribution of £145.92 towards the cost of accommodation for Dr Peter Ndegwa was paid from the Regional Counter Terrorism Advisor account, which was held by the British High Commission in Nairobi. Responsibility for certifying claims and payments incurred against this account was delegated by the High Commissioner to the Head of Counter Terrorism. A signed 'Delegated Authority to Certify Payments' letter was sent annually from the High Commissioner to the

Head of Counter Terrorism. We do not have a copy of the letter from 2012 on record. However, we have attached for your reference, the most recent letter delegating authority over this account, dated 3 December 2013.

The Delegated Authority letter includes the instruction 'You must familiarise yourself with current Finance Directorate policy where covered in Frequently Asked Questions'. Frequently Asked Questions (FAQ) are found on the FCO Intranet. However as FAQ are regularly updated and previous versions are overwritten, we are unable to provide a copy of the FAQ from 2012.

With regards to the procedures followed, and approvals that were obtained in respect of the contribution of £145.92, a Purchase Order requisition was raised on the Prism system by a member of High Commission staff on 15 November 2012. This requisition was approved on the same date by a designated Approver. A Purchase Order was then raised on the same date, by a third member of staff and was approved, again by the designated Approver. The invoice for accommodation costs was received on 19 November by the first member of staff and added to the Prism system on 5 December 2012. Payment against the invoice was then made on 10 December 2012.

Some information has been withheld as it 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 (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.

In keeping with the spirit and effect of the Freedom of Information Act, 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,

Counter Terrorism Department



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