



Foreign & Commonwealth Office

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Dear

Freedom of Information Request Reference: 0300-14

Thank you for your email dated 13 March in which you requested information under the Freedom of Information Act (FOIA). You said:

This is a Freedom of Information Act request about the information management systems in your department. Please provide me with a copy of your department's guidance to processing freedom of information requests – ideally this would cover the end-to-end process from receipt to closure, but please provide whatever you hold. Please note that I am not looking for any ICO or MoJ guidance, which may be available publically, I am specifically interested in FCO produced internal guidance including policy, process and procedures.

I am writing to confirm that we have now completed the search for the information, which you requested. I apologise for the length of time it has taken to respond.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request. I attach a digest of the information, which the FCO can release to you. We publish this information on our internal website – FCONet – and where there were links to other documents within the FCONet guidance, I have added those documents to this digest. This is the guidance used by staff at the date of receipt of your request – 14 March.

With reference to the attached digest, I would like to add some context to help your understanding of the guidance used by the FCO. In paragraph 5, on page 6 – **5. Information obtained in confidence** - we advise departments to consult other governments or organisations about the disclosure of information. In practice, we do not always consult other governments but will use our knowledge of a government to make an informed opinion of whether they might object to disclosure of confidential information.

Again, on pages 27 and 28 there are some bullet points setting out our guidance on dealing with Third Party Consultation. Although we make every effort to contact third parties to gain their views on disclosure of information, the ultimate decision on whether we disclose the information lies with the FCO. We do not always explain our reasoning to third parties why we have withheld information as that will become clear when we issue the reply to the requester and set out our use of exemptions.

We have withheld some information under section 23(1) – information supplied by, or relating to, bodies dealing with security matters. Section 23 is an absolute exemption and as such is not subject to the application of a public interest test.

Some information has been withheld under section 35(1)(b) – ministerial communications. The purpose of this subsection is to focus on protecting ministerial unity and effectiveness and protecting ministerial discussions and collective decision-making processes. Section 35 is a qualified exemption subject to the application of a public interest test.

There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. I recognise that the decisions Ministers make may have a significant impact on the lives of citizens and there is a public interest in their deliberations being transparent. These public interests have to be weighed against a strong public interest that policy-making and its implementation are of the highest quality and informed by a full consideration of all the options. Ministers must be able to discuss policy freely and frankly, exchange views on available options and understand their possible implications. The candour of all involved would be affected by their assessment of whether the content of the discussions will be disclosed prematurely. If discussions were routinely made public, there is a risk that Ministers may feel inhibited from being frank and candid with one another. As a result, the quality of debate underlying collective decision making would decline, leading to worse informed and poorer decision making. Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information.

Some of the information has been withheld under section 36(2)(b)(i) and (ii) information which would be likely to inhibit the free and frank provision of advice or the free and frank exchange of views for the purpose of deliberation. Section 36 is a qualified exemption subject to the application of a public interest test.

It is the view of a Minister of the Crown that disclosure of this information would be likely to make officials more circumspect about seeking advice. The disclosure of information in this case could therefore inhibit the candour of future exchanges of views within government. We recognise that there is a general public interest in ensuring that transparency of decision making, especially in relation to the types of FOI replies, which we refer to Ministers for clearance. However, the Act recognises the strong public interest in protecting the space that Ministers and officials have to consider and discuss options to ensure that policy is given full and proper consideration. This process will be affected by officials' assessment of whether the content of such discussion will be disclosed in the relatively near future. Reluctance on the part of officials to give or seek advice, or to feel able to engage in candid exchanges of views, would result in less informed and therefore less effective decision making. For these reasons, we consider that the public interest in maintaining this exemption outweighs the arguments in favour of disclosure.

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Yours sincerely,

Knowledge Management Department