



Foreign &
Commonwealth
Office

Human Resources Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

17 November 2014

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

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0995-14

Thank you for your email of 28 October asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Under the Freedom of Information Act, please provide copies of the following records:

- *The number of occasions when British diplomatic staff have claimed diplomatic immunity in each of the years 2011, 2012, 2013 and up to the receipt of this request in 2014*
- *The country where they were stationed at the time*

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.

Diplomatic immunity has only been claimed on a small number of occasions and because of this, release of the information could lead to the individuals concerned being identified.

We therefore judge that the disclosure of such information, which constitutes personal data, would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. 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, Section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Diplomatic immunity is governed by the the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations and in agreement with the host nation in accordance with its laws and regulations.

HMG's policy is that immunity should only be claimed in exceptional circumstances, such as to protect staff from hostile action from host authorities. We expect the highest standard of conduct from British civil servants, and their families, when serving overseas and staff are expected to answer to any criminal or civil charge brought against them.

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.

Yours sincerely,

Human Resources Directorate



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.