



Foreign &
Commonwealth
Office

International Organisations Department
Foreign and Commonwealth Office
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09 October 2014

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0787-14

Thank you for your email of 12 August asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Copies of all documentation or correspondence relating, or making reference to, the possibility of Ireland re-joining the British Commonwealth. This would include internal correspondence such as discussion documents, briefing notes, memos, e-mails and such like. It would also cover any correspondence the Foreign Office has had with external agencies which makes reference to Ireland and the debate about the Commonwealth.

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.

Please find attached the information that the FCO can release to you. Some of the information has been withheld under the following exemptions:

Section 27 (1) (a) of the Freedom of Information Act recognises the need to protect information that would be likely to prejudice the relations between the UK and any other states if disclosed. In this case, the release of information relating to the Republic of Ireland's membership of the Commonwealth could harm our relations with the Republic of Ireland.

The application of section 27(1)(a) requires us to consider the public interest test arguments in favour of releasing and withholding information. We acknowledge that releasing information on this issue would increase public knowledge about the Republic of Ireland and the Commonwealth. But 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 information regarding the Republic of Ireland and the Commonwealth could potentially damage the bilateral relationship between the UK and the

Republic of Ireland. The nature of the information in the records you requested could still prejudice directly current relations between the UK Government and the Republic of Ireland and impact upon the UK Government's ability to conduct effective business with them 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 disclosing the information.

Section 40 (2) and (3) Personal information

Some of the information has been withheld under Section 40 (2) and (3) – personal information – of the Act. 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. It is the fairness aspect of this principle which we think would be breached by disclosure in this case. Section 40 is an absolute exemption and is not subject to the public interest test.

Section 41(1)(b)

Some information has been withheld under Section 41(1)(b), as it is information that was provided in confidence. 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.

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,

Commonwealth Team
International Organisations Department



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