



Foreign &
Commonwealth
Office

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19 August 2014

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0455-14

Further to my letter of 17 July, I am now in a position to give you a complete response to your request for information, which we received on 22 April 2014. In your request you asked for;

“the names and numbers of Parliamentarians who have corresponded with the FCO on the Cayman Turtle Farm and when and whether they received a response. I am also interested to see all correspondence between the FCO, the Cayman Islands Government, their departments, politicians, the UK Governor and the FCO itself regarding the Cayman Turtle Farm between 1 January 2012 and 25 April 2014.”

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.

The information that the FCO can release to you is enclosed. Some information has been withheld under sections 27, 35 and 40 of the Freedom of Information Act (FOIA) 2000.

Section 27(1)(a) exempts information if disclosure would, or would be likely to, prejudice relations between the UK and any other State, section 27(1)(c) the interests of the UK abroad and section 27(1)(d) the promotion or protection by the UK of its interests abroad.

Section 27 requires the application of a public interest test to determine whether or not the information should be released. The FCO recognises that there is a general public interest in openness in public affairs in order to ensure that the public are able to scrutinise the manner in which important decisions are reached. We also accept that disclosure of the information might lead to better informed debate on a subject of public interest.

However, in this case, we consider that the balance is weighted against disclosure. We judge that disclosure would be prejudicial to the effective conduct of international relations between the UK Government and the Governments of the Overseas Territories. These relations depend upon maintaining trust and confidence between the Governments. This relationship of trust allows for the free and frank exchange of information on the understanding that it will be treated in confidence. If the UK does not respect such confidences, its ability to protect and promote UK interests through international relations will

be hampered. The Overseas Territories may be reluctant to share sensitive information with the UK Government in future and may be less likely to respect the confidentiality of information supplied by the UK Government to them, to the detriment of UK interests and the good governance of all of the Overseas Territories.

Section 35 is aimed at protecting the policy-making process in order to maintain the delivery of effective government.

The application of the public interest test in relation to this exemption is due to the responsibility to ensure that there remains a safe space within which the formulation and development of government policy and government decision-making can proceed balanced with proper public participation in policy debates.

In this case, we consider that the balance is weighted against disclosure. Disclosure in this instance would not be beneficial to good government, which is based on the best advice available, both internally and externally, and full consideration of the options available without fear of disclosure. Disclosure of interdepartmental considerations and communications may undermine the collective responsibility of the government and damage the impartiality of the civil service as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making.

Some of the information you have requested is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances section 40(2) and (3) of the FOIA applies. 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 of disclosure. There is, therefore, no public interest test to apply.

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,

Assistant Head of Caribbean and Bermuda Section
Caribbean Territories and Strategy Department



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