



Foreign &
Commonwealth
Office

Human Resources Directorate
Foreign and Commonwealth Office
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10 February 2016

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0057-16

Thank you for your email of 13 January 2016 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

In a government response to a Public Administration Select Committee report, "Business Appointment Rules: Government Response to the Committee's Third Report of Session 2012-13", published July 2014, the government states:

"11. The Government shares the Committee's view about departments making public information about the advice given to their former civil servants, and the restrictions (if any) imposed upon them. The Cabinet Office is taking forward work with departments to publish information on departmental websites for the applications they handle at SCS2 and SCS1 level (and equivalents, including special advisers of equivalent standing)."

Please give me all this information referred to above, about the advice given to former civil servants for the applications the department has handled at SCS2 and SCS1 level (and equivalents, including special advisers of equivalent standing).

This government response I have quoted can be accessed here:
<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmpubadm/563/563.pdf>

The time frame I am interested in is from the beginning of the last parliament (May 2010) up to the date my request is answered.

Where possible I would prefer this information in a digital, machine-readable format.

I am writing to confirm that we have now completed the search for the information which you requested.

The revised Business Appointment Rules that include these new transparency requirements didn't formally become part of civil servants' terms and conditions of service until October 2014, and it was subsequently agreed with departments that the new transparency arrangements for SCS1 and 2 would apply from May 2015 onwards.

Departments are currently preparing the relevant data for release covering the period from May – December 2015. A common date for this office to publish data on the Foreign & Commonwealth section of www.gov.uk later this month will be agreed shortly.

We are therefore advised to use the Section 22 future publication exemption to cover the data from May 2015 onwards.

Exemption under Section 40(2) protecting personal information is also relevant in relation to the data for the period May 2010 to May 2015 as prior to the introduction of the new transparency arrangements, individuals' would have reasonably expected that this information would remain confidential. The disclosure of personal information 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, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, we may now publish the response and any material released on gov.uk in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

Yours sincerely,

Head of Appointments, Interchange & Recruitment

Foreign & Commonwealth Office



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.