

## Digest of information FOI ref 0675-15

### E-MAIL 1

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**From:** [Legal Directorate]  
**Sent:** 21 May 2015 17:43  
**To:** [NAD]  
**Cc:** [NAD], [KMD]  
**Subject:** 0424-15: Request for clarification - comments/sign-off by 4pm TODAY  
[Redacted]

[Redacted],

As slightly amended- see below.

[Redacted]

[Redacted]

**Legal Directorate**

[Redacted]

**From:** [KMD]  
**Sent:** 21 May 2015 15:33  
**To:** [NAD]  
**Cc:** [NAD], [Legal Directorate]  
**Subject:** RE: ACTION KMD & Legal Advisers: FOI 0424-15: Request for clarification - comments/sign-off by 4pm TODAY

Hi [Redacted],

I spoke to [Redacted] and [Redacted] said that it is the extraction of relevant information that will take the time, rather than the search, so I've slightly amended the language below.

[Redacted]

[Redacted] | FOI and DPA Team, KMD | Knowledge and Technology Directorate | [Redacted]

**KTD Knowledge through Technology**

**From:** [NAD]  
**Sent:** 21 May 2015 13:57  
**To:** [Legal Directorate], [KMD]  
**Cc:** [Legal Directorate], [NAD]  
**Subject:** ACTION KMD & Legal Advisers: FOI 0424-15: Request for clarification - comments/sign-off by 4pm TODAY  
**Importance:** High

[Redacted] and [Redacted]— grateful for **Legal Advisers and KMD** comments and/or sign-off by **4pm today** so that I can send this to Ms Drysdale before I leave the office.

I will be on leave tomorrow and Bank Holiday Monday so will pick this up on my return Tuesday. If we hear back from the requester tomorrow, grateful if you could send this to [Redacted].

[Redacted] – all e-mails have been saved [here](#).

<BEGINS>

Dear Ms Drysdale

Thank you for your e-mail of 1 May 2015 to the Foreign and Commonwealth Office (FCO) requesting information under the Freedom of Information Act. You asked:

*- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.*

*- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

Your request as presently formulated is widely-framed and I estimate that it will take more than 3 ½ working days to locate, retrieve and extract this information and it would exceed the appropriate limit referred to in Section 12 of the Freedom of Information Act.

We would be grateful if you would narrow its scope to bring it within the appropriate limit. An example could be if there is a specific case you wish for us to search for.

If you are able to do that, we may be able to search for information within the scope of your request, provided the costs limit is not again likely to be breached. If we locate any information – and there is no guarantee that we might- we will then consider whether we can disclose some or all of it to you. We would have to consider whether any of the other exemptions under the FOI Act apply.

Please contact the FOI and DPA Team **by 5 June 2015** via e-mail: [FOI-DPA.IMD@fco.gov.uk](mailto:FOI-DPA.IMD@fco.gov.uk) quoting the reference number in the subject line.

Kind Regards

**North America Department**

<ENDS>

[Redacted]

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

## E-MAIL 2

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**From:** [NAD]  
**Sent:** 02 June 2015 11:24  
**To:** [NAD]  
**Cc:** [NAD]  
**Subject:** ACTION: FOI 0424-15: Section 12 letter  
**Attachments:** 0424-15 Section 12 letter.docx  
**Importance:** High  
[Redacted]

[Redacted]

We are issuing a Section 12 letter to the requester after continuous e-mails back and forth asking her to refine her request. Unfortunately, today is the deadline to go back to her and as she has not narrowed it down, we will be sending her the attached letter. Though NAD wouldn't have too much of an issue with this, Legal Advisers carried out an initial search using a few search terms and some brought back nearly 1,000 returns!

Grateful if you could take a look at this and send me your comments/sign-off as soon as possible. We are looking to issue this letter to her by 5pm today.

Many Thanks

[Redacted]

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
[Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

## E-MAIL 3

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**From:** [KMD]  
**Sent:** 02 June 2015 13:29  
**To:** [NAD]  
**Subject:** FW: ACTION BY 4PM TODAY: FOI 0424-15 - Section 12 letter  
**Attachments:** 0424-15 Section 12 letter.docx  
**Importance:** High  
[Redacted]

[Redacted],

Thanks, I have added one sentence after the advice on refining the request to make it clear that a refined request may still be over the cost limit and, if not, that other FOIA exemptions may then apply.

Regards

[Redacted]

[Redacted] | FOI and DPA Team, KMD | Knowledge and Technology Directorate | [Redacted]

**KTD Knowledge through Technology**

**From:** [NAD]  
**Sent:** 02 June 2015 12:58  
**To:** [KMD]  
**Subject:** ACTION BY 4PM TODAY: FOI 0424-15 - Section 12 letter  
**Importance:** High

[Redacted]

This has been cleared by Legal Advisers and our [Redacted]. Grateful for your comments/sign-off by 4pm today and I will send this in PDF format to the requester and bcc you in.

Kind Regards

[Redacted]

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

#### E-MAIL 4

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**From:** [Legal Directorate]  
**Sent:** 02 June 2015 12:22  
**To:** [NAD], [Legal Directorate]  
**Cc:** [Legal Directorate], [KMD]  
**Subject:** RE: ACTION 3PM TODAY: FOI 0424-15 - Section 12 letter  
[Redacted]

Thanks, [Redacted]. The additional sentence looks good to me.

[Redacted]

[Redacted]  
Foreign and Commonwealth Office  
[Redacted]

**From:** [NAD]  
**Sent:** 02 June 2015 12:15  
**To:** [Legal Directorate]  
**Cc:** [Legal Directorate], [KMD]  
**Subject:** RE: ACTION 3PM TODAY: FOI 0424-15 - Section 12 letter

[Redacted] – thank you. I have added an additional sentence at the end. I understand the timeframe is difficult to search on the S Drive but the requester would need to provide us with a timeframe regardless as, in almost all cases that I've dealt with which didn't have one, I've had to go back to the requester asking for one. Hopefully the additional sentence would emphasise that the search terms are the most important aspect. Are you happy with the amendment? Feel free to amend as you see fit.

So that you are aware of the initial process, your original request was sent to relevant departments within the FCO to carry out the search. In order to ensure that the FCO conducts a thorough search, the FCO enters search terms taken from your request to search for documents, e-mails, etc. One example of search terms the FCO would need to use based on your request would contain the following words: "US", "Court of Appeal", and "civil case". Some of the FCO departments hold a considerable amount of information relating to legal cases which may also, on occasion, include a reference to the US in the body of the e-mail or document. As such, when we began to conduct the search using the variety of terms you provided, it resulted in extensive amounts of information being returned. To search through the material to extract the relevant information would take us over the cost threshold and exceed the appropriate limit. Therefore, we would like to advise you that we would only be able to carry out a search for information if you were to narrow your request so that it is case-specific, combined with a timeframe. An example of this would be providing us with the name(s) of the party/parties to the civil case.

[Redacted]  
North America Department  
[Redacted]

**From:** [Legal Directorate]  
**Sent:** 02 June 2015 11:58  
**To:** [NAD], [Legal Directorate]  
**Cc:** [Legal Directorate], [KMD]  
**Subject:** RE: ACTION 3PM TODAY: FOI 0424-15 - Section 12 letter

[Redacted]

[Redacted] and I have discussed. We think the draft is very nearly there. Just two points: (i) although in many FOI requests the time frame is critical to narrowing the scope of the request, in this case the problem is really the search terms, as it's not possible for us to search the S: drive or inboxes by time frame, so it might be worth playing down the time frame element of your reply; and (ii) while we understand that by "case-specific" you mean the name of the legal case, it could be worth spelling out to the requester that what we would be looking for, by way of useful search terms, are the names of the parties to the case.

[Redacted]

[Redacted]  
Assistant Legal Adviser  
Foreign and Commonwealth Office  
[Redacted]

**From:** [NAD]  
**Sent:** 02 June 2015 11:46  
**To:** [Legal Directorate]  
**Cc:** [Legal Directorate], [KMD]  
**Subject:** ACTION 3PM TODAY: FOI 0424-15 - Section 12 letter  
**Importance:** High

Legal Advisers

Grateful if you could take a look at the attached letter which has been signed off by our [Redacted]. Please send me your **comments/sign-off by 3pm today** as we need to issue this to her by 5pm.

Many Thanks

[Redacted]  
North America Department  
[Redacted]

**From:** [NAD]  
**Sent:** 02 June 2015 11:42  
**To:** [NAD]  
**Subject:** 0424-15 Section 12 letter

[Redacted]

Many thanks, be good to let LA see too.

[Redacted]

#### **E-MAIL 5**

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**From:** [Washington]  
**Sent:** 21 May 2015 18:42  
**To:** [Washington]  
**Cc:** [NAD]  
**Subject:** RE: Recent FOIs  
[Redacted]

[Redacted]

Super helpful, thanks! This looks right to me. [Redacted]

Cheers!

[Redacted] Political Team | British Embassy Washington | [Redacted]

**From:** [Washington]  
**Sent:** 21 May 2015 11:19  
**To:** [Washington]  
**Cc:** [NAD]  
**Subject:** Recent FOIs

[Redacted]

I'm a bit confused with all the FOIs flying around so just wanted to clarify I've got them right and that we can agree to a phrase to use in the title to help distinguish?

[Redacted]

**0424-15 – US Gov/UK Court (currently on hold pending clarification)**

**SOTI Ref -1698209952**

Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.

Thank you

[Redacted]

[Redacted] Corporate Services, Washington  
British Embassy, 3100 Massachusetts Ave NW, Washington DC 20008

[Redacted]

**E-MAIL 6**

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**From:** [KMD]  
**Sent:** 01 July 2015 15:53  
**To:** [NAD]  
**Subject:** RE: NEW FOI 0539-15 Daniela Drysdale (WDTK) US interference in Employment Appeal Tribunals

[Redacted]

Cheers

**From:** [NAD]  
**Sent:** 01 July 2015 15:53  
**To:** [KMD]  
**Subject:** RE: NEW FOI 0539-15 Daniela Drysdale (WDTK) US interference in Employment Appeal Tribunals

It's a nil return. [Redacted] will clear the letter soon.

[Redacted]  
North America Department  
[Redacted]

**From:** [KMD]  
**Sent:** 01 July 2015 15:50  
**To:** [NAD]  
**Subject:** RE: NEW FOI 0539-15 Daniela Drysdale (WDTK) US interference in Employment Appeal Tribunals

[Redacted]

Any news on this one?

[Redacted]

**From:** FOI-DPA IMD (Sensitive)

**Sent:** 08 June 2015 10:52

**To:** [NAD]

**Cc:** [KMD]

**Subject:** NEW FOI 0539-15 Daniela Drysdale (WDTK) US interference in Employment Appeal Tribunals

The attached FOI request has been allocated to your department. Please forward to the appropriate Desk Officer for action, removing the foi-dpa.imd address from the cc field.

<b>FOI Ref:</b>	<b>0539-15</b>
<b>Case Manager's (CM) name:</b>	[Redacted]
<b>Tel no:</b>	[Redacted]
<b>Draft to FOI and DPA Team by:</b>	<b>25 June 2015</b>
<b>Response to requester by:</b>	<b>02 July 2015</b>

**If you think another department should lead on this FOI, please:**

- tell the FOI and DPA team immediately
- if possible, give details of who should lead and contact name and...
- give confirmation they have agreed to accept the request

**How to get assistance in responding to a request:**

- KMD [SharePoint](#) site, which includes:
  - [FOI/DPA checklist](#)
  - [intranet](#) guidance on how to search for relevant information
  - [Templates](#) and [Model Language](#) to help you structure your response
  - [FOI Community](#) on People Finder

**Redaction of material in documents to be released:**

- Use the [redaction guidance](#) to ensure permanent redaction of material covered by exemptions. (Failure to redact correctly can harm national security and have adverse legal, financial and reputational implications for the FCO).

**Consultation and clearance:**

- Agree required clearance chain with your CM
- Complete [Clearance Record](#) and submit to CM with final draft.
- 3<sup>rd</sup> parties mentioned in the response should be consulted and advised
- that FOI responses are in the public domain and may be published by KMD on [gov.uk](#)

**Signing the response:**

- As the requestor might publish the request, we advise Departments to use generic signatures and mailboxes (where possible) when sending responses.

-----Original Message-----

From: [NAD]

Sent: 08 June 2015 09:51

To: FOI-DPA IMD (Sensitive)



Cc: [NAD]

Subject: RE: Freedom of Information request - US interference with legal processes in the UK

[Redacted]

Apologies. I think we should go ahead and accept this request as it is. Legal Advisers seem to be content with the shortened search terms even if it isn't case specific.

Many Thanks

[Redacted]

North America Department

[Redacted]

-----Original Message-----

From: FOI-DPA IMD (Sensitive)

Sent: 08 June 2015 09:42

To: [NAD]

Cc: FOI-DPA IMD (Sensitive)

Subject: FW: Freedom of Information request - US interference with legal processes in the UK

Hi [Redacted]

Grateful, for you response on this?

Thanks

[Redacted]

-----Original Message-----

From: FOI-DPA IMD (Sensitive)

Sent: 05 June 2015 11:31

To: [NAD]

Cc: FOI-DPA IMD (Sensitive)

Subject: FW: Freedom of Information request - US interference with legal processes in the UK

Hi [Redacted]

Any news on this?

-----Original Message-----

From: FOI-DPA IMD (Sensitive)

Sent: 04 June 2015 13:28

To: [NAD]

Cc: FOI-DPA IMD (Sensitive)

Subject: RE: Freedom of Information request - US interference with legal processes in the UK

Thanks [Redacted]

-----Original Message-----

From: [NAD]

Sent: 04 June 2015 12:41

To: FOI-DPA IMD (Sensitive)  
Cc: [KMD]  
Subject: RE: Freedom of Information request - US interference with legal processes in the UK

FOI Team

We are in contact with Legal Advisers. Will be in touch again as soon as I hear back.

Thanks

[Redacted]  
North America Department  
[Redacted]

-----Original Message-----

From: FOI-DPA IMD (Sensitive)  
Sent: 04 June 2015 12:15  
To: [NAD]  
Cc: FOI-DPA IMD (Sensitive); [KMD]  
Subject: FW: Freedom of Information request - US interference with legal processes in the UK

Morning [Redacted]

Please can you take a look at the request below in answer to FOI 0424-15?

Can you advise whether we should accept this as a new request even though her request is not case specific?

Thanks  
[Redacted]

-----Original Message-----

From: daniela drysdale [<mailto:request-271910-6a7bde00@whatdotheyknow.com>]  
Sent: 04 June 2015 12:00  
To: FOI-DPA IMD (Sensitive)  
Subject: Freedom of Information request - US interference with legal processes in the UK

Dear Foreign and Commonwealth Office,

Following the suggestions in your reply to my previous FOI application ([https://www.whatdotheyknow.com/request/data\\_regarding\\_requests\\_from\\_the#incoming-659735](https://www.whatdotheyknow.com/request/data_regarding_requests_from_the#incoming-659735)), I am sending you a new request for information:

- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK government/authorities should prevent, in any way, the Employment Appeal Tribunal (England and Wales) from allowing a civil matter to succeed or be heard in court.

- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: 15 August 2012 to 15 February 2013 .

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Thank you.

Yours faithfully,

Daniela Drysdale

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**E-MAIL 7**

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**From:** [Legal Directorate]  
**Sent:** 30 June 2015 16:08  
**To:** [NAD]  
**Cc:** [Legal Directorate], [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search  
[Redacted]

[Redacted]

Apologies for the delay in coming back to you. It is a nil return from legal advisers. The only person that has not been able to search is [Redacted] as [Redacted] is currently out of the office. However [Redacted] at the relevant time and I think [Redacted] around then. Given the nil returns from everyone else and our s drive search I think it is highly unlikely that there will be any returns from [Redacted] personal drive.

Kind regards

[Redacted]

[Redacted]

**From:** [NAD]  
**Sent:** 29 June 2015 14:08  
**To:** [Legal Directorate]  
**Cc:** [Legal Directorate], [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search

[Redacted]

Grateful for your returns by close today. iRecords is still down but I remember we had a nil return when I searched for this with the previous request so I'll have to play it by ear but we're looking at a complete No Info Held for this FOI.

Many Thanks

[Redacted]  
North America Department  
[Redacted]

**From:** [NAD]  
**Sent:** 24 June 2015 16:37  
**To:** [Legal Directorate]  
**Cc:** [Legal Directorate], [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search

[Redacted]

I've returned today to other pressing FOIs and e-mails so apologies that I've not got back to you until now.

I can confirm that I've **not** heard from [Redacted] as [Redacted] was away so [Redacted] was copied in but no searches were performed until you/[Redacted] did the searches before we went back to the requester quoting Section 12 (under the old FOI reference number, 0424-15).

Kind Regards

[Redacted]  
North America Department  
[Redacted]

**From:** [NAD]  
**Sent:** 23 June 2015 10:56  
**To:** [Legal Directorate], [NAD]  
**Cc:** [Legal Directorate]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search

[Redacted]

[Redacted] is off sick again today, but will hopefully be able to reply tomorrow. I don't believe [Redacted] did begin the searches but [Redacted] will be able to confirm when [Redacted] is back in the office.

Thanks,

[Redacted]

[Redacted] **North America Department**  
Foreign & Commonwealth Office | Old Admiralty Building, [Redacted] | London SW1A 2PA

[Redacted]

**From:** [Legal Directorate]  
**Sent:** 19 June 2015 14:53  
**To:** [NAD]

**Cc:** [Legal Directorate], [NAD]

**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search

[Redacted]

Apologies I am going to miss your deadline but I am still awaiting responses from a number of legal advisers. Hopefully I will be able to come back to you with a full response early next week. It is a nil return so far from the responses I have.

One issue has arisen though that it would be good to have your views on. [Redacted] is currently out of the office and is likely to be away for some time. Therefore [Redacted] has not been able to conduct the searches. I think you mentioned that [Redacted] had already done searches on this as you consulted [Redacted] early on as [Redacted]. Is that correct? If so do you know what [Redacted] searched for and if [Redacted] had any returns?

Kind regards

[Redacted]

[Redacted]

Assistant Legal Adviser

[Redacted]

**[E-MAIL 7A CONTINUES FROM HERE]**

**From:** [NAD]

**Sent:** 10 June 2015 16:59

**To:** [Legal Directorate]

**Cc:** [Legal Directorate], [NAD]

**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search

[Redacted]

As anything held in our US folder will have a US element to it, I will probably just search Employment Appeal Tribunal and civil. As for iRecords, I will be searching both US and United States combined with Employment Appeal Tribunal and civil. Hope that helps!

[Redacted]

North America Department

[Redacted]

**From:** [Legal Directorate]

**Sent:** 10 June 2015 16:50

**To:** [NAD]

**Cc:** [Legal Directorate]

**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search

[Redacted]

Can I just clarify the search terms and how we are to search for US administration and other official bodies in the US. The latter term is very vague and therefore should we just be searching US and

Employment Appeal Tribunal and civil? Do we also need to do the search again using United States rather than US?

Kind regards

[Redacted]

[Redacted]

**From:** [NAD]

**Sent:** 10 June 2015 16:40

**To:** [Legal Directorate]

**Cc:** [Legal Directorate]

**Subject:** ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search

Legal Advisers

The FCO has been asked to check for any information relating to the following FOI request, which NAD are leading on:

*- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the **US Administration** or any **other official bodies in the US** requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK government/authorities should prevent, in any way, the **Employment Appeal Tribunal** (England and Wales) from allowing a **civil matter** to succeed or be heard in court.*

*- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: **15 August 2012 to 15 February 2013** .*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

The original e-mail is below.

**NOTE:** Some search terms have been high-lighted above, including the time frame.

I would be most grateful if Legal Advisers can check their:

- Outlook (including Personal Storage Area) – both tiers
- Personal Drives – both tiers
- Notebooks/paper files/in-trays
- SharePoint
- Shared Area

Please could you send your returns (**including nil returns**) by **COB Friday 19 June**.

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

**ORIGINAL E-MAIL:**

From: daniela drysdale [<mailto:request-271910-6a7bde00@whatdotheyknow.com>]  
Sent: 04 June 2015 12:00  
To: FOI-DPA IMD (Sensitive)  
Subject: Freedom of Information request - US interference with legal processes in the UK

Dear Foreign and Commonwealth Office,

Following the suggestions in your reply to my previous FOI application ([https://www.whatdotheyknow.com/request/data\\_regarding\\_requests\\_from\\_the#incoming-659735](https://www.whatdotheyknow.com/request/data_regarding_requests_from_the#incoming-659735)), I am sending you a new request for information:

- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK government/authorities should prevent, in any way, the Employment Appeal Tribunal (England and Wales) from allowing a civil matter to succeed or be heard in court.

- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: 15 August 2012 to 15 February 2013 .

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Thank you.

Yours faithfully,

Daniela Drysdale

**E-MAIL 7A**

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**From:** [Legal Directorate]  
**Sent:** 10 June 2015 17:15  
**To:** [NAD]  
**Cc:** [Legal Directorate], [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Legal Advisers search  
[Redacted]

Thanks [Redacted]

I will ask colleagues here to search:

- US and Employment Appeal Tribunal and Civil
- United States and Employment Appeal Tribunal and Civil

For the date range 15 August 2012 to 15 February 2013

Kind regards

[Redacted]  
Assistant Legal Adviser  
[Redacted]

#### E-MAIL 8

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**From:** [NAD]  
**Sent:** 21 May 2015 17:35  
**To:** [KMD], [Legal Directorate], FOI-DPA IMD (Sensitive)  
**Cc:** [NAD]  
**Subject:** RE: ACTION KMD & Legal Advisers: FOI 0424-15: Request for clarification - comments/sign-off by 4pm TODAY

[Redacted]

[Redacted]

I'm going to be logging off now but I know [Redacted] is keen that this e-mail is sent to her by tomorrow at the latest; we are already very behind on seeking clarification from her. Therefore, I'd be most grateful if you could send your amendment which we spoke about over the phone to [Redacted] and [Redacted]/FOI Team tonight or tomorrow morning for [Redacted] to have a quick look before it gets sent out.

[Redacted]/**FOI Team** – I will be out of the office until 26 May so I would be grateful if you could send the response to Ms Drysdale tomorrow (22 May) from the FOI mailbox and bcc myself and [Redacted] please. Her e-mail is: [request-261163-8e261915@whatdotheyknow.com](mailto:request-261163-8e261915@whatdotheyknow.com)

Thanks

[Redacted]  
North America Department  
[Redacted]

**From:** [NAD]  
**Sent:** 21 May 2015 15:35  
**To:** [KMD], [Legal Directorate]  
**Cc:** [NAD]  
**Subject:** RE: ACTION KMD & Legal Advisers: FOI 0424-15: Request for clarification - comments/sign-off by 4pm TODAY

Thanks, [Redacted]

[Redacted] – are you happy with the e-mail?

[Redacted]  
North America Department  
[Redacted]

**From:** [KMD]  
**Sent:** 21 May 2015 15:33



**To:** [NAD]  
**Cc:** [NAD], [Legal Directorate]  
**Subject:** RE: ACTION KMD & Legal Advisers: FOI 0424-15: Request for clarificaton - comments/sign-off by 4pm TODAY

Hi [Redacted],

I spoke to [Redacted] and [Redacted] said that it is the extraction of relevant information that will take the time, rather than the search, so I've slightly amended the language below.

[Redacted]

[Redacted] | FOI and DPA Team, KMD | Knowledge and Technology Directorate | [Redacted]  
**KTD Knowledge through Technology**

**From:** [NAD]  
**Sent:** 21 May 2015 13:57  
**To:** [Legal Directorate], [KMD]  
**Cc:** [Legal Directorate], [KMD]  
**Subject:** ACTION KMD & Legal Advisers: FOI 0424-15: Request for clarificaton - comments/sign-off by 4pm TODAY  
**Importance:** High

[Redacted] – grateful for **Legal Advisers and KMD** comments and/or sign-off by **4pm today** so that I can send this to Ms Drysdale before I leave the office.

I will be on leave tomorrow and Bank Holiday Monday so will pick this up on my return Tuesday. If we hear back from the requester tomorrow, grateful if you could send this to [Redacted].

[Redacted] – all e-mails have been saved [here](#).

<BEGINS>

Dear Ms Drysdale

Thank you for your e-mail of 1 May 2015 to the Foreign and Commonwealth Office (FCO) requesting information under the Freedom of Information Act. You asked:

*- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.*

*- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

Your request as presently formulated is widely-framed and I estimate that it will take more than 3 ½ working days to locate, retrieve and extract this information and it would exceed the appropriate limited prescribed under Section 12 of the Freedom of Information Act. We would therefore be grateful if you would narrow its scope to bring it within the appropriate limit. An example could be if there is a specific case you wish for us to search for. We will then consider whether we can provide the information requested within the appropriate cost limit. This would of course be subject to the consideration of whether any of the other exemptions under the FOI Act apply.

We can then hopefully accept your revised request and establish whether we hold any information relating to it before considering the appropriate course of action. Please contact the FOI and DPA Team **by 5 June 2015** via e-mail: [FOI-DPA.IMD@fco.gov.uk](mailto:FOI-DPA.IMD@fco.gov.uk) quoting the reference number in the subject line.

Kind Regards

**North America Department**

<ENDS>

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
[Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

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**E-MAIL 9 [E-MAILS 9A-9E RESPONDS TO THIS E-MAIL]**

**From:** [NAD]  
**Sent:** 10 June 2015 16:40  
**To:** DL Americas NAD All Staff (Sensitive)  
**Subject:** ACTION BY 19 JUNE: FOI 0539-15: NAD search  
**Importance:** High  
[Redacted]

All

We have been asked to check for any information relating to the following FOI request, which we are leading on:

*- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the **US Administration** or any **other official bodies in the US** requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK government/authorities should prevent, in any way, the **Employment Appeal Tribunal** (England and Wales) from allowing a **civil matter** to succeed or be heard in court.*

*- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: **15 August 2012 to 15 February 2013** .*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

The original e-mail is below.

**NOTE:** Some search terms have been high-lighted above, including the time frame.

I would be most grateful if you could check your own:

- Outlook (including Personal Storage Area) – both tiers
- Personal Drives – both tiers
- Notebooks/paper files/in-trays

I will search our Shared Area, SharePoint and iRecords. I will also be getting in touch with Washington and Legal Advisers.

Please could you send your returns (**including nil returns**) by **COB Friday 19 June**.

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

**ORIGINAL E-MAIL:**

From: daniela drysdale [<mailto:request-271910-6a7bde00@whatdotheyknow.com>]

Sent: 04 June 2015 12:00

To: FOI-DPA IMD (Sensitive)

Subject: Freedom of Information request - US interference with legal processes in the UK

Dear Foreign and Commonwealth Office,

Following the suggestions in your reply to my previous FOI application ([https://www.whatdotheyknow.com/request/data\\_regarding\\_requests\\_from\\_the\\_incoming-659735](https://www.whatdotheyknow.com/request/data_regarding_requests_from_the_incoming-659735)), I am sending you a new request for information:

- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK government/authorities should prevent, in any way, the Employment Appeal Tribunal (England and Wales) from allowing a civil matter to succeed or be heard in court.

- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: 15 August 2012 to 15 February 2013 .

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Thank you.

Yours faithfully,

Daniela Drysdale

**E-MAIL 9A**

---

**From:** [NAD]  
**Sent:** 29 June 2015 14:04  
**To:** [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: NAD search

Nil return.

[Redacted]

**From:** [NAD]  
**Sent:** 26 June 2015 11:50  
**To:** [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: NAD search  
**Importance:** High

[Redacted]

Grateful for your returns/nil returns by return please.

Thanks

[Redacted]  
North America Department  
[Redacted]

**E-MAIL 9B**

---

**From:** [NAD]  
**Sent:** 19 June 2015 15:00  
**To:** [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: NAD search  
[Redacted]

Hi [Redacted]

Nil return for me.

Thanks  
[Redacted]

**E-MAIL 9C**

---

**From:** [NAD]  
**Sent:** 16 June 2015 16:53  
**To:** [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: NAD search

[Redacted]

Nil return from me.

[Redacted]

---

**E-MAIL 9D**

**From:** [NAD]  
**Sent:** 12 June 2015 14:34  
**To:** [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: NAD search  
[Redacted]

Nil return.

---

**E-MAIL 9E**

**From:** [NAD]  
**Sent:** 11 June 2015 11:13  
**To:** [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: NAD search  
[Redacted]

Nil return from me.

[Redacted]

---

**E-MAIL 10 [E-MAILS 10A-10C RESPONDS TO THIS E-MAIL]**

**From:** [NAD]  
**Sent:** 20 May 2015 13:26  
**To:** DL Americas NAD All Staff (Sensitive)  
**Subject:** URGENT: ACTION: FOI 0424-15: NAD search by COB 26 May  
**Importance:** High  
[Redacted]

All

We have been asked to check for any information relating to the following FOI request, which we are leading on:

*- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.*

*- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

The original e-mail is below.

**NOTE:** We did respond to an MOP letter from the same person which has prompted this FOI request (attached below).

I would be most grateful if you could check your own:

- Outlook (including Personal Storage Area) – both tiers
- Personal Drives – both tiers
- Notebooks/paper files/in-trays

I will search our Shared Area, SharePoint and iRecords. I will also be getting in touch with Washington and Legal Advisers.

Please could you send your returns (**including nil returns**) by **COB Tuesday 26 May**.

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

**ORIGINAL E-MAIL CHAIN:**

From: daniela drysdale [<mailto:request-261163-8e261915@whatdotheyknow.com>]

Sent: 01 May 2015 12:34

To: NAD Enquiries (Sensitive)

Subject: RE: Freedom of Information request - Data regarding requests from the US

Dear Sir/ Madam,

Thank you for your reply of 29 April 2015.

Thank you also for reassuring me about the theoretical safeguards associated with the principle of judicial independence. As to how this principle operates in practice and what its limitations (legitimate or otherwise) are, I and many other members of the public are well aware of, and this is not something I would ask the FCO to express an opinion on.

Unfortunately, my questions to the FCO concern another subject. (You will recognise, I'm sure, that judicial independence, no matter how fiercely upheld here in the UK, is not one and the same thing as the lack of desire by foreign bodies to interfere with it.)

I will therefore clarify and refine the scope of my information request as follows:

- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government

should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.

- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Please treat the above as a request for information under the FOI Act 2000.

Many thanks and kind regards,

Yours faithfully,

Daniela Drysdale

P.S. I should also add that the reply received from the Ministry of Justice on a similar FOI request mentioned that "You might "consider redirecting your request either to the Foreign and Commonwealth Office or the Government Legal Department (formerly the Treasury Solicitor). Given the subject matter those Departments might be better placed to deal with your request."

-----Original Message-----

Dear Ms Drysdale

Thank you for your e-mail to the Foreign and Commonwealth Office on 30 March 2015. This has been passed on to the North America Department for a response. As you will be aware, the FCO has not treated your e-mail below under the Freedom of Information Act.

The judiciary is impartial and independent of all external pressures to ensure that cases that appear before them are decided fairly and in accordance with the law. Judges must be free to exercise their judicial powers without interference from litigants, the State, the media, large companies or other bodies. There is a system of checks and balance in the UK between the Executive, Legislative and Judicial branches, to ensure this independence.

If you require further information on the fundamental principle of the independence of the judiciary you may wish to look at the Courts and Tribunal Judiciary website accessible at <https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/independence/>.

Given your email references civil cases you may wish to contact the Ministry of Justice as civil matters are normally brought to a County Court. They can be reached at [email address] or 020 3334 3555.

Kind Regards

North America Department

**E-MAIL 10A**

---

**From:** [NAD]  
**Sent:** 21 May 2015 11:03  
**To:** [NAD]  
**Subject:** RE: URGENT: ACTION: FOI 0424-15: NAD search by COB 26 May  
[Redacted]

Nil reply for me on this one.

[Redacted]

---

**E-MAIL 10B**

**From:** [NAD]  
**Sent:** 20 May 2015 15:07  
**To:** [NAD]  
**Subject:** RE: URGENT: ACTION: FOI 0424-15: NAD search by COB 26 May  
[Redacted]

Nil return.

[Redacted]

---

**E-MAIL 10C**

**From:** [NAD]  
**Sent:** 20 May 2015 13:54  
**To:** [NAD]  
**Subject:** RE: URGENT: ACTION: FOI 0424-15: NAD search by COB 26 May  
[Redacted]

Nil return

---

**E-MAIL 11**

**From:** [NAD]  
**Sent:** 21 May 2015 13:50  
**To:** [Washington]  
**Cc:** [Washington]  
**Subject:** RE: FOI 0424-15: PLS STOP SEARCHING  
[Redacted]

That's correct.

[Redacted]  
North America Department  
[Redacted]

**From:** [Washington]  
**Sent:** 21 May 2015 13:37  
**To:** [NAD]



Cc: [Washington]

Subject: RE: FOI 0424-15: PLS STOP SEARCHING

Thanks [Redacted] – this is the court case / US government pressure one right?

Ta

[Redacted]

[Redacted] Political Team | British Embassy Washington | [Redacted] |

From: [NAD]

Sent: 21 May 2015 08:21

To: DL Americas NAD All Staff (Sensitive); [Washington], [Legal Directorate]

Cc: [KMD]

Subject: FOI 0424-15: PLS STOP SEARCHING

Importance: High

All

Thanks to those who have already come back to me with their nil returns but we are now having to ask the requester to narrow her request as the search will produce a lot of returns from some departments.

Therefore, **please stop your searches for this FOI until we get further clarification from the requester.** I will be in touch with everyone once we hear back.

Kind Regards

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

## E-MAIL 12

---

From: [NAD]

Sent: 25 June 2015 16:02

To: [NAD]

Subject: FW: Handover notes: FOI review [Redacted]

[Redacted]

Just to say, when I did an internal review, I found two things very helpful: hard copies of the papers I needed to review, and the FOI course/guidance folder. If/if you have time, you may want to prepare these for [Redacted] return, to simplify the process for [Redacted].

[Redacted]

From: [NAD]

Sent: 23 June 2015 17:14

**To:** [NAD]  
**Cc:** [NAD]  
**Subject:** Handover notes [Redacted]

[Redacted]

Hopefully it will be fairly quiet in the next few days and you shouldn't receive anything too substantial as a result of my out of office. However, I'm conscious there are a few other issues which we have been involved in which could do with sorting this week if possible. My thoughts below:

[Redacted]

**1. Internal Review of Drysdale FoI request**

[Redacted] – KMD have confirmed that we need to continue with our Drysdale search even though she has requested an internal review of the previous request she put in. I have discussed with [Redacted] and we are going to ask [Redacted] to take this forward when [Redacted] returns. There is therefore no immediate action for you to do on the internal review, but you should continue with the open FoI request.

[Redacted]

Any problems please do give me a call – [Redacted].

Thanks,

[Redacted]

[Redacted] **North America Department**  
Foreign & Commonwealth Office | Old Admiralty Building, [Redacted] | London SW1A 2PA

[Redacted]

**E-MAIL 13 [E-MAILS 13A-13E FOLLOWS FROM HERE]**

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**From:** FOI-DPA IMD (Sensitive)  
**Sent:** 05 May 2015 09:39  
**To:** [NAD]  
**Cc:** [KMD]  
**Subject:** NEW FOI 0424-15 Daniela Drysdale US Administration  
[Redacted]

The attached FOI request has been allocated to your department. Please forward to the appropriate Desk Officer for action, removing the foi-dpa.imd address from the cc field.

<b>FOI Ref:</b>	<b>0424-15</b>
<b>Case Manager's (CM) name:</b>	[Redacted]
<b>Tel no:</b>	[Redacted]
<b>Draft to FOI and DPA Team by:</b>	<b>26 May 2015</b>
<b>Response to requester by:</b>	<b>02 June 2015</b>

**If you think another department should lead on this FOI, please:**

- tell the FOI and DPA team immediately
- if possible, give details of who should lead and contact name and...
- give confirmation they have agreed to accept the request

**How to get assistance in responding to a request:**

- KMD SharePoint site, which includes:
  - FOI/DPA checklist
  - intranet guidance on how to search for relevant information
  - Templates and Model Language to help you structure your response

FOI Community on People Finder

**Redaction of material in documents to be released:**

- Use the redaction guidance to ensure permanent redaction of material covered by exemptions. (Failure to redact correctly can harm national security and have adverse legal, financial and reputational implications for the FCO).

**Consultation and clearance:**

- Agree required clearance chain with your CM
- Complete Clearance Record and submit to CM with final draft.
- 3<sup>rd</sup> parties mentioned in the response should be consulted and advised
- that FOI responses are in the public domain and may be published by KMD on gov.uk

**Signing the response:**

- As the requestor might publish the request, we advise Departments to use generic signatures and mailboxes (where possible) when sending responses.

-----Original Message-----

From: [NAD]  
 Sent: 01 May 2015 15:36  
 To: FOI-DPA IMD (Sensitive)  
 Cc: [NAD]  
 Subject: FW: Freedom of Information request - Data regarding requests from the US

Dear FOI Team,

We responded to an e-mail which we agreed did not fall under the FOIA (attached for reference).

Ms Drysdale has since written back with a more specific request, which I believe does fall under the FOIA. Therefore I'm forwarding this to you for logging but I think NAD would probably lead on this (with input from Legal Advisors?). I shall wait until this comes round to us in the usual route. Do I need to go back to Ms Drysdale to confirm that we will be treating this as an FOI - do you have any standard lines I can copy and paste?

Many Thanks

[Redacted]  
 North America Department  
 [Redacted]

**[E-MAIL 13D FOLLOWS ON FROM THE E-MAIL BELOW.]**

-----Original Message-----

From: daniela drysdale [mailto:request-261163-8e261915@whatdotheyknow.com]

Sent: 01 May 2015 12:34

To: NAD Enquiries (Sensitive)

Subject: RE: Freedom of Information request - Data regarding requests from the US

Dear Sir/ Madam,

Thank you for your reply of 29 April 2015.

Thank you also for reassuring me about the theoretical safeguards associated with the principle of judicial independence. As to how this principle operates in practice and what its limitations (legitimate or otherwise) are, I and many other members of the public are well aware of, and this is not something I would ask the FCO to express an opinion on.

Unfortunately, my questions to the FCO concern another subject. (You will recognise, I'm sure, that judicial independence, no matter how fiercely upheld here in the UK, is not one and the same thing as the lack of desire by foreign bodies to interfere with it.)

I will therefore clarify and refine the scope of my information request as follows:

- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.
- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.
- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Please treat the above as a request for information under the FOI Act 2000.

Many thanks and kind regards,

Yours faithfully,

Daniela Drysdale

P.S. I should also add that the reply received from the Ministry of Justice on a similar FOI request mentioned that "You might "consider redirecting your request either to the Foreign and Commonwealth Office or the Government Legal Department (formerly the Treasury Solicitor). Given the subject matter those Departments might be better placed to deal with your request."

-----Original Message-----

Dear Ms Drysdale

Thank you for your e-mail to the Foreign and Commonwealth Office on 30 March 2015. This has been passed on to the North America Department for a response. As you will be aware, the FCO has not treated your e-mail below under the Freedom of Information Act.

The judiciary is impartial and independent of all external pressures to ensure that cases that appear before them are decided fairly and in accordance with the law. Judges must be free to exercise their judicial powers without interference from litigants, the State, the media, large companies or other bodies. There is a system of checks and balance in the UK between the Executive, Legislative and Judicial branches, to ensure this independence.

If you require further information on the fundamental principle of the independence of the judiciary you may wish to look at the Courts and Tribunal Judiciary website accessible at <https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/independence/>.

Given your email references civil cases you may wish to contact the Ministry of Justice as civil matters are normally brought to a County Court. They can be reached at [email address] or 020 3334 3555.

Kind Regards

North America Department

---

**E-MAIL 13A**

**From:** [NAD]  
**Sent:** 05 May 2015 09:46  
**To:** [NAD]  
**Subject:** FW: NEW FOI 0424-15 Daniela Drysdale US Administration  
[Redacted]

[Redacted]

Grateful if we could have a chat before I circulate this round NAD and other departments within the FCO(?). I'm rather busy until 1200 so can we have a chat after then please?

[Redacted]  
North America Department  
[Redacted]

---

**E-MAIL 13B**

**From:** [NAD]  
**Sent:** 13 May 2015 16:23  
**To:** [Legal Directorate]  
**Subject:** FW: NEW FOI 0424-15 Daniela Drysdale US Administration  
[Redacted]

[Redacted]

Re-sending as requested. Thanks.

[Redacted]

North America Department

[Redacted]

**From:** [NAD]  
**Sent:** 07 May 2015 12:49  
**To:** [Legal Directorate]  
**Subject:** FW: NEW FOI 0424-15 Daniela Drysdale US Administration

[Redacted]

We will soon be conducting a search through our files and will also be requesting other departments who might have discussed this with the US (i.e. IPD, CTD, Washington and Legal Advisors) to carry out a search as well. Once we carry out the search, we will respond back to the requester with some context (more or less the same thing we told her in our response below, which I've high-lighted). Before I go ahead and request for departments to start searching, I would be most grateful if you could confirm you're OK with our approach by Monday 11 May.

Kind Regards

[Redacted]

North America Department

[Redacted]

### **E-MAIL 13C**

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**From:** [KMD]  
**Sent:** 19 May 2015 08:39  
**To:** [NAD]  
**Subject:** FW: NEW FOI 0424-15 Daniela Drysdale US Administration  
[Redacted]

Hi [NAD]

Do we hold any information relevant to this request?

There are some key points to be aware of when looking at the information for this FOI reply.

If you find information that originates from other government departments, third party organisations or individuals (e.g. NGOs, companies, lawyers, contacts), and or names current or former senior officials, ministers, MPs, Peers etc, you must consult with those parties before finally deciding whether to release or withhold the information. The final decision to release or withhold information is yours, but you should take their views into account. It strengthens your case to show that you have consulted before withholding information. They should also be made aware that the FOI response may be published on gov.uk.

This consultation is particularly important where you may release information that names or has originated from them. The PUS, SOSFA/Ministerial offices will ask about such consultation when clearing the reply.

Regards

[Redacted] | FOI and DPA Team, KMD | [Redacted] | Knowledge and Technology Directorate | Foreign and Commonwealth Office | King Charles Street | London SW1A 2AH | [Redacted]  
[www.gov.uk/fco](http://www.gov.uk/fco)

[Redacted]

**KTD Knowledge through Technology**

#### **E-MAIL 13D**

---

From: [NAD]  
Sent: 01 May 2015 12:54  
To: [NAD]  
Subject: FW: Freedom of Information request - Data regarding requests from the US  
[Redacted]

[Redacted]

We have received a response from Ms Drysdale, which I think can now be treated as an FOI. I'm going to forward this on to the FOI Team but just wanted to check if we would lead on this? I'm assuming we would but with input from the Legal Advisors? Grateful for your thoughts.

Kind Regards

[Redacted]

North America Department

[Redacted]

#### **E-MAIL 13E**

---

**From:** [KMD]  
**Sent:** 15 May 2015 09:53  
**To:** [NAD]  
**Subject:** FW: FOI 0424-15 Daniela Drysdale US Administration. SPADS interest  
[Redacted]

[Redacted]

SpAds have asked to see the draft response to this request.

The draft should be sent for SpAds clearance, after Head of Department and Media Office (if appropriate) clearance, to [Redacted]. The covering email should show who has already cleared the draft and any further clearances still needed, please give a deadline of at least 24 hrs for SpAds clearance.

Regards

[Redacted]

[Redacted] | FOI and DPA Team, KMD | [Redacted] | Knowledge and Technology Directorate |  
Foreign and Commonwealth Office | King Charles Street | London SW1A 2AH | [Redacted] |  
[www.gov.uk/fco](http://www.gov.uk/fco)  
[Redacted]  
[Redacted]

## KTD Knowledge through Technology

### E-MAIL 14

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**From:** [NAD]  
**Sent:** 11 June 2015 09:52  
**To:** [Washington]  
**Cc:** [NAD]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Washington search  
[Redacted]

Hi, [Redacted]

Yes, though we have already spoken to Legal Advisers about the previous FOI request and then explained that the US can't stop a civil matter appearing before the EAT, she is still (within her rights) requesting all the information we might hold about it. Again, the requester isn't interested in anything except for the interference by the US authorities in a civil matter taking place in the UK.

Regarding the guidance on PAGs, [Redacted] and I were discussing this on a separate FOI case and the guidance we received from KMD is:

*"If their info is available to FCO staff then they should search, but if locked down in the S Drive etc they are considered a different OGD and not in scope of the question. If the latter, the response could always signpost BIS/UKTI if all are content to do so."*

I asked them to clarify the "locked down" bit: *"...if they are set up on Firecrest just so they only have access to e-mails and their own locked S Drive, they would qualify as an OGD and therefore out of scope. If they then copy in an FCO staff, the FCO staff would hold the information (either on Outlook or an FCO accessible drive) and that would need to be searched. If the UKTI person has access to everything (as in, they aren't in a standalone system) then they will need to search."*

We did a search and came up with a dozen or so results in our initial searches which were all out of scope. I will do a more in-depth search and would be very grateful if Post could keep us updated on the returns as obviously the more there is the less time we will have to check and clear things before the final deadline (2 July). I am on leave all next week so please do contact [Redacted] directly who may be able to assist in my absence.

Many Thanks

[Redacted]  
North America Department  
[Redacted]

**From:** [Washington]  
**Sent:** 10 June 2015 18:22



**To:** [NAD], [Washington]  
**Subject:** RE: ACTION BY 19 JUNE: FOI 0539-15: Washington search

Thanks [Redacted].

This definitely feels like one of those questions where there is something behind it! (though I know we're not allowed to ask the requester what that is!!).

We plan on asking DHM/Private Office/HMA to search on this, along with Corporate Services counsellor who might have had something to do with EATs. We do have the CPS on platform here, but as a PAG they fall out of scope of this FOI in line with the guidance on PAGs we've previously received.

All the best,

[Redacted]

[Redacted] Political Team | British Embassy Washington | [Redacted] |

**From:** [NAD]  
**Sent:** 10 June 2015 11:40  
**To:** [Washington]  
**Subject:** ACTION BY 19 JUNE: FOI 0539-15: Washington search

[Redacted]

The FCO has been asked to check for any information relating to the following FOI request, which NAD are leading on:

*- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the **US Administration** or any **other official bodies in the US** requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK government/authorities should prevent, in any way, the **Employment Appeal Tribunal** (England and Wales) from allowing a **civil matter** to succeed or be heard in court.*

*- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: **15 August 2012 to 15 February 2013** .*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

The original e-mail is below.

**NOTE:** Some search terms have been high-lighted above, including the time frame.

I would be most grateful if Washington can check their:

- Outlook (including Personal Storage Area) – both tiers
- Personal Drives – both tiers
- Notebooks/paper files/in-trays

- SharePoint
- Shared Area

Please could you send your returns (**including nil returns**) by **COB Friday 19 June**.

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

**ORIGINAL E-MAIL:**

From: daniela drysdale [mailto:request-271910-6a7bde00@whatdotheyknow.com]  
Sent: 04 June 2015 12:00  
To: FOI-DPA IMD (Sensitive)  
Subject: Freedom of Information request - US interference with legal processes in the UK

Dear Foreign and Commonwealth Office,

Following the suggestions in your reply to my previous FOI application ([https://www.whatdotheyknow.com/request/data\\_regarding\\_requests\\_from\\_the#incoming-659735](https://www.whatdotheyknow.com/request/data_regarding_requests_from_the#incoming-659735)), I am sending you a new request for information:

- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK government/authorities should prevent, in any way, the Employment Appeal Tribunal (England and Wales) from allowing a civil matter to succeed or be heard in court.

- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: 15 August 2012 to 15 February 2013 .

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Thank you.

Yours faithfully,

Daniela Drysdale

**E-MAIL 15 [E-MAIL 15A FOLLOWS FROM THIS E-MAIL]**

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**From:** [NAD]  
**Sent:** 20 May 2015 13:26  
**To:** [Washington]  
**Subject:** URGENT: ACTION: FOI 0424-15: Washington search by COB 26 May  
[Redacted]  
[Redacted]

The FCO have been asked to check for any information relating to the following FOI request, which NAD are leading on:

*- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.*

*- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

The original e-mail is below.

**NOTE:** We did respond to an MOP letter from the same person which has prompted this FOI request (attached below).

I would be most grateful if Washington can check their:

- Outlook (including Personal Storage Area) – both tiers
- Personal Drives – both tiers
- Notebooks/paper files/in-trays
- SharePoint
- Shared Area

Please could you send your returns (**including nil returns**) by **COB Tuesday 26 May**.

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

**ORIGINAL E-MAIL CHAIN:**

From: daniela drysdale [mailto:request-261163-8e261915@whatdotheyknow.com]  
Sent: 01 May 2015 12:34  
To: NAD Enquiries (Sensitive)  
Subject: RE: Freedom of Information request - Data regarding requests from the US

Dear Sir/ Madam,

Thank you for your reply of 29 April 2015.

Thank you also for reassuring me about the theoretical safeguards associated with the principle of judicial independence. As to how this principle operates in practice and what its limitations (legitimate or otherwise) are, I and many other members of the public are well aware of, and this is not something I would ask the FCO to express an opinion on.

Unfortunately, my questions to the FCO concern another subject. (You will recognise, I'm sure, that judicial independence, no matter how fiercely upheld here in the UK, is not one and the same thing as the lack of desire by foreign bodies to interfere with it.)

I will therefore clarify and refine the scope of my information request as follows:

- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.

- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Please treat the above as a request for information under the FOI Act 2000.

Many thanks and kind regards,

Yours faithfully,

Daniela Drysdale

P.S. I should also add that the reply received from the Ministry of Justice on a similar FOI request mentioned that "You might "consider redirecting your request either to the Foreign and Commonwealth Office or the Government Legal Department (formerly the Treasury Solicitor). Given the subject matter those Departments might be better placed to deal with your request."

-----Original Message-----

Dear Ms Drysdale

Thank you for your e-mail to the Foreign and Commonwealth Office on 30 March 2015. This has been passed on to the North America Department for a response. As you will be aware, the FCO has not treated your e-mail below under the Freedom of Information Act.

The judiciary is impartial and independent of all external pressures to ensure that cases that appear before them are decided fairly and in accordance with the law. Judges must be free to exercise their judicial powers without interference from litigants, the State, the media, large companies or other bodies. There is a system of checks and balance in the UK between the Executive, Legislative and Judicial branches, to ensure this independence.

If you require further information on the fundamental principle of the independence of the judiciary you may wish to look at the Courts and Tribunal Judiciary website accessible at

<https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/independence/>.

Given your email references civil cases you may wish to contact the Ministry of Justice as civil matters are normally brought to a County Court. They can be reached at [email address] or 020 3334 3555.

Kind Regards

North America Department

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**E-MAIL 15A**

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**From:** USA Helpdesk (Sensitive)  
**Sent:** 20 May 2015 19:03  
**To:** [NAD]  
**Cc:** [Washington]  
**Subject:** Official USA Helpdesk Ref -1698209952 - URGENT: ACTION: FOI 0424-15: Washington search by COB 26 May

[Redacted]

**Message to customer:**

Thank you for contacting the USA Helpdesk.

Your request: URGENT: ACTION: FOI 0424-15: Washington search by COB 26 May

Has been logged as Work Order Reference: -1698209952

Type: Service Request

Assigned to: [Redacted]

Status: Triage

Priority: 1 - CRITICAL

You can expect a resolution by: 20-May-15

Pending any additional time requesting further information by you or an external contact.

A bring-up date for action has been set as:

This deadline may change if the priority or impact changes (in agreement with you), or we are awaiting a response/communication from you to progress this call.

If we need to contact you to progress the call and are unable to do so after three attempts the call will be closed.

If you have any questions relating to your request, please contact the USA Helpdesk on [Redacted] quoting the work order reference number -1698209952.

Regards

**USA Helpdesk** | Corporate Services USA | British Embassy Washington | 3100 Massachusetts Ave, NW | Washington DC 20008

[Redacted]

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**E-MAIL 16**

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**From:** [Legal Directorate]  
**Sent:** 29 May 2015 14:29  
**To:** [NAD], [Legal Directorate]  
**Cc:** [Legal Directorate], FOI-DPA IMD (Sensitive); [NAD]  
**Subject:** RE: LEGAL ADV ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification

[Redacted]

Thanks, [Redacted]. We're content.

[Redacted]

[Redacted]

Foreign and Commonwealth Office

[Redacted]

**From:** [NAD]

**Sent:** 29 May 2015 14:17

**To:** [Legal Directorate]

**Cc:** [Legal Directorate], FOI-DPA IMD (Sensitive); [NAD]

**Subject:** RE: LEGAL ADV ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification

**Importance:** High

[Redacted]

Thank you for conducting the search. I suggest we therefore send the original draft to Ms Drysdale today. I have copied and pasted this for ease of reference. Grateful if you could give me the go ahead before I send this:

Dear Ms Drysdale

Thank you for your e-mail of 26 May 2015. The reason we asked for you to narrow down this request is because, as it stands, using a combination of search terms (i.e. "US", "High Court"/"Appeal Tribunal"/"Court of Appeal", "civil case", etc) would bring up a vast amount of returns from our departments. The process of weeding through the returns to check whether or not they are relevant to your FOI request will take us over the 3 1/2 working days. I appreciate you've shortened the time frame but we still need a narrower search term, for example specific cases.

With regards to your point about US interference, as we mentioned previously, the judiciary is impartial and independent of all external pressures (including from US authorities) to ensure that cases that appear before them are decided fairly and in accordance with the law.

Grateful if you could send your response to the FOI DPA Team ([foi-dpa.imd@fco.gov.uk](mailto:foi-dpa.imd@fco.gov.uk)) quoting the reference number in the subject line by 12 June 2015.

Many Thanks

**North America Department**

Kind Regards

[Redacted]

North America Department

[Redacted]

**[E-MAIL 16A FOLLOWS FROM THE E-MAIL BELOW]**

**From:** [Legal Directorate]  
**Sent:** 29 May 2015 12:55  
**To:** [NAD], [Legal Directorate], [KMD], FOI-DPA IMD (Sensitive)  
**Cc:** [Legal Directorate]  
**Subject:** RE: FOI TEAM ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification

[Redacted]

I just tested this by putting in the search terms US and High Court and civil case and it returned 954 documents. Doing the same search with Court of Appeal rather than High Court returned 564 documents. The difficulty for us is that a lot of the cases we might be involved in will be civil cases before the High Court/Court of Appeal which have some US interest (e.g. they involve allegations against the US). Therefore if legal advisers were to search there would be thousands of documents returned. We can't search by date range so these would need to be manually sifted to take out the documents that are not in date.

As such I think the search terms are still too broad for us to be able to do a search within the cost limit.

Kind regards

[Redacted]

[Redacted]  
Assistant Legal Adviser  
[Redacted]

**From:** [NAD]  
**Sent:** 29 May 2015 12:36  
**To:** [Legal Directorate], [KMD], [NAD] FOI-DPA IMD (Sensitive)  
**Cc:** [Legal Directorate]  
**Subject:** RE: FOI TEAM ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification

[Redacted]

When you conduct the search on outlook you put in as the criteria "US" and "Appeal Tribunal" and "civil matter" . This means the computer only looks for emails which contain all of these words either in the subject line or in the body of the email. I have performed a quick search and the only items that came up using the above were related to our discussion on the FoI. I'm therefore confident that when applying the same methodology to other search options, the number of emails will be very low.

When searching the shared area it will bring up documents which contain the search word in the title (i.e. the title it is saved under). [Redacted] has searched our shared area using the search terms "high court", "court of appeal" and "appeal tribunal" and it came up with no results. As all of our folders relate to the US we did not put this in front of the search word. When legal advisers conduct a search of their shared area it would probably make sense to put US in front of every search term in order to narrow it down. You would need to determine whether you felt that conducting the search and then sifting through the information for relevant documents would take more than 3.5 days. Given we did not find any items I would be very surprised if you did as I would assume NAD would

have been copied in to any discussions (not to mention that it is highly unlikely that the US would ever have tried to interfere in a civil matter and approached the FCO about it).

[Redacted] also has conducted a quick search of i-records using the following search term "court of appeal" US "civil matter" and it found three documents (which happen to be all out of scope). I'd therefore assume that if you were to do a similar search it would only bring up a few documents for the same reason I listed above, i.e. if we don't have a document it is unlikely you would.

I suggest we respond to the requestor informing her that we are using the search terms that we have agreed upon, but also add in that if she would like us to search for a particular case that might also be useful. We have previously informed a different requestor that we would be using a particular search term so I think it should be fine to do the same in this case.

How does that sound?

Thanks,

[Redacted]

[Redacted] **North America Department**

Foreign & Commonwealth Office | Old Admiralty Building, [Redacted] | London SW1A 2PA

[Redacted]

**From:** [Legal Directorate]

**Sent:** 29 May 2015 12:00

**To:** [NAD], [KMD], FOI-DPA IMD (Sensitive)

**Cc:** [NAD], [Legal Directorate]

**Subject:** RE: FOI TEAM ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification

[Redacted] – do you think it might be worth running a test search with those terms, to see how many results are thrown up? My litigation colleagues, [Redacted], have advised that they would produce a lot of results here. If so, do you think it would be possible to narrow the terms any further, perhaps by asking the requester what case(s) she has in mind? The fact the dates are so specific suggests she is looking for something in particular.

[Redacted]

[Redacted]

Foreign and Commonwealth Office

[Redacted]

**From:** [NAD]

**Sent:** 29 May 2015 11:52

**To:** [Legal Directorate], [KMD], FOI-DPA IMD (Sensitive)

**Cc:** [NAD], [Legal Directorate]

**Subject:** RE: FOI TEAM ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification

**Importance:** High

[Redacted]



Thank you for your response and apologies for any confusion; we are able to do the searches and weed through the searches within the cost limit (which KMD calculates as 3.5 days). The process is a lot more time intensive, the request for searches need to be sent to NAD, Washington and yourselves. Then teams carry out the searches and weed their results so all returns are within scope (which is where the 3.5 days comes into place). The actual response would take longer as I will need to collate all the returns from NAD, Washington and Legal Advisers, trawl through the information to redact, circulate the information to everyone to clear, draft the letter, get both checked by our [Redacted] and KMD which then gets sent to the requester. The likelihood is that we may need to PIT this as the deadline to go back to Ms Drysdale is Monday (2 June).

[Redacted]/**FOI Team** – Could you have a read through my response to Ms Drysdale (high-lighted below) and make any amendments so that it's in line with the usual response please. The gist of my e-mail is that we will now start searching using the terms which I included. We would prefer to have her approval in case she turns around and tells us they aren't good enough which then might mean her request exceeds the cost/time limit if she wants us to search for more than the terms we provided. We will of course need to do the actual searches before citing Section 12 but from the discussion we have been having with the Legal Advisers is that this could be a real possibility.

**Grateful for your thoughts/amendments by 3pm today.**

[Redacted]  
North America Department  
[Redacted]

**From:** [Legal Directorate]  
**Sent:** 29 May 2015 11:17  
**To:** [NAD]  
**Cc:** [NAD], [Legal Directorate]  
**Subject:** RE: ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification

[Redacted]

Many thanks for your email. Those sound like appropriate search terms and it's great that you will be able to provide the requester with a full response within the 3.5 day time limit. However, I'm not sure that the FCO usually runs search terms past the requester; my understanding is that we usually decide those for ourselves and simply provide the requester with the results of our searches, perhaps mentioning in the reply the search parameters used if we feel that will assist the requester. But I could be wrong – might be worth checking with whoever in KMD/FOI team has been allocated as case manager for this request?

[Redacted]

[Redacted]  
Foreign and Commonwealth Office  
[Redacted]

**From:** [NAD]  
**Sent:** 29 May 2015 11:11  
**To:** [Legal Directorate]  
**Cc:** [NAD]  
**Subject:** RE: ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification  
**Importance:** High

[Redacted]

We have narrowed down the search terms, which can be paired and should result in less returns to look through. They are:

- “US” and “Appeal Tribunal” and “civil matter” or “civil case”
- “US” and “High Court” and “civil matter” or “civil case”
- “US” and “Court of Appeal” and “civil matter” or “civil case”
- Time frames: 15/08/2012-15/12/2012 and 20/06/2014-01/08/2014

We feel that this will mean the search won't go over the cost limit. I have also drafted an e-mail to Ms Drysdale explaining how we can go forward with her request.

I would be grateful if you could let me know if your team is happy with the **search terms and the e-mail below by 1500 today please.**

Kind Regards

[Redacted]  
North America Department  
[Redacted]

**E-MAIL TO MS DRYSDALE:**

Dear Ms Drysdale

Thank you for your e-mail of 26 May 2015.

I've taken on board your point regarding US interference but, as we mentioned previously, the judiciary is impartial and independent of all external pressures (including interference from the US authorities) to ensure that cases that appear before them are decided fairly and in accordance with the law.

For us to carry out the search whilst not exceeding the 3 ½ days limit, we would like to use the following search terms to look for the information you have requested:

- “US” and “Appeal Tribunal” and “civil matter” or “civil case”
- “US” and “High Court” and “civil matter” or “civil case”
- “US” and “Court of Appeal” and “civil matter” or “civil case”
- Time frames: 15/08/2012-15/12/2012 and 20/06/2014-01/08/2014

Grateful if you could send your approval for us to start searching using the above terms to the FOI DPA Team (foi-dpa.imd@fco.gov.uk) quoting the reference number in the subject line by 12 June 2015.

Many Thanks

North America Department

**From:** [Legal Directorate]  
**Sent:** 28 May 2015 12:37  
**To:** [NAD], [Legal Directorate]  
**Cc:** [NAD], [Legal Directorate]  
**Subject:** RE: ACTION BY THIS MORNING - FOI REQUEST 0424-15: Request for clarification

Thanks [Redacted]

I have had a chance to discuss this with [Redacted] now. I recall [Redacted] mentioning this request to me previously and me commenting that I don't know how we would search for such information. Our team has not been asked to conduct any searches to date and therefore none have been conducted. As the department that own the request it would be for NAD to instigate searches and provide search terms. Although legal directorate should presumably be included in any request for searches I would assume that any such communications, if they exist, would not come directly into legal directorate. Presumably they would be received in the first instance by another part of the FCO.

I agree with [Redacted] that it would be helpful to have an idea how many documents are likely to be returned using such vague search terms.

Kind regards

[Redacted]

[Redacted]

**[E-MAIL 16B FOLLOWS FROM THE E-MAIL BELOW.]**

**From:** [NAD]  
**Sent:** 28 May 2015 10:42  
**To:** [Legal Directorate]  
**Cc:** [NAD]  
**Subject:** FW: ACTION BY THIS MORNING - FOI REQUEST 0424-15: Request for clarification  
**Importance:** High

[Redacted]

I would be grateful if we could have a chat about this FOI request please. We would like to re-send the clarification to Ms Drysdale but [Redacted] makes a very good point about citing Section 12 in our response. In a separate e-mail, [Redacted] said [Redacted] spoke to you about the vast amount of returns your team would get using the search terms she has provided. I spoke to KMD to has confirmed that to cite s12, we would have had to carry out the search and as part of our response help the requester in ways they may be able to narrow down their request. I'd like to know whether or not your team has carried out the necessary searches? Please note that she has provided us with a shorter time frame as high-lighted below. Happy to have a chat over the phone if easier.

Many Thanks

[Redacted]  
North America Department  
[Redacted]

**From:** [Legal Directorate]  
**Sent:** 28 May 2015 09:57  
**To:** [NAD]  
**Cc:** [NAD], [Legal Directorate]  
**Subject:** RE: ACTION BY THIS MORNING - FOI REQUEST 0424-15: Request for clarification

[Redacted]

Thanks for your reply. Happy with the extra sentence. If, however, you are basing your section 12 only on [Redacted] estimate, then it might be worth running some search terms to get an idea of how many responses you'd have to trawl through – just so you have some figures to back the section 12 response up, if it goes to Internal Review.

[Redacted]

[Redacted]  
Foreign and Commonwealth Office  
[Redacted]

**From:** [NAD]  
**Sent:** 28 May 2015 09:33  
**To:** [Legal Directorate]  
**Cc:** [NAD], [Legal Directorate]  
**Subject:** RE: ACTION BY THIS MORNING - FOI REQUEST 0424-15: Request for clarification  
**Importance:** High

[Redacted]

I'm very grateful for your swift response. From the e-mail I received from [Redacted], it wasn't so much the timeframe but the vague search terms we would use from the request to look up would very likely to take us over the cost limit. I will make sure to incorporate your amendments.

I've also included a line, which we have used previously in our response to her, to acknowledge her point about US interference. Could you take a look at this as well (in red) and let me know by return please?

Kind Regards

[Redacted]  
North America Department  
[Redacted]

**From:** [Legal Directorate]  
**Sent:** 27 May 2015 17:13  
**To:** [NAD]  
**Cc:** [NAD], [Legal Directorate]  
**Subject:** RE: ACTION BY TOMORROW MORNING - FOI REQUEST 0424-15: Request for clarification

[Redacted]

Thanks for sight of this. A couple of suggested changes in red below – it looks to me like she has actually shortened the time frame, by 4.5 months for the first period and 1.5 months for the second period – which presumably is still too broad for search purposes?

[Redacted]

[Redacted]  
Foreign and Commonwealth Office  
[Redacted]

-----Original Message-----

From: [NAD]  
Sent: 27 May 2015 17:05  
To: [Legal Directorate]  
Cc: [NAD], [Legal Directorate]  
Subject: ACTION BY TOMORROW MORNING - FOI REQUEST 0424-15: Request for clarification

[Redacted] - I understand that [Redacted] is out of the office so I'm sending this to you in [Redacted] absence. Grateful if you could send me amendments by tomorrow morning please.

<BEGINS>

Dear Ms Drysdale

Thank you for your e-mail of 26 May 2015. The reason we asked for you to narrow down this request is because, as it stands, using a combination of search terms (i.e. "US State", "US Justice"/"US Court", etc) would bring up a vast amount of returns from our departments. The process of weeding through the returns to check whether or not they are relevant to your FOI request will take us over the 3 1/2 days [[[SHOULD WE MAKE IT CLEAR WE MEAN "WORKING" DAYS?]]]. I appreciate you've given us shortened the time frame again but we still need a narrower search term, for example specific cases.

With regards to your point about US interference, as we mentioned previously, the judiciary is impartial and independent of all external pressures (including from US authorities) to ensure that cases that appear before them are decided fairly and in accordance with the law.

Grateful if you could send your response to the FOI DPA Team (foi-dpa.imd@fco.gov.uk) quoting the reference number in the subject line by 10 June 2015.

Many Thanks

North America Department

<ENDS>

I'd like to send this to Ms Drysdale tomorrow so I appreciate a quick turnaround.

Many Thanks

[Redacted]  
North America Department

[Redacted]

-----Original Message-----

From: [Legal Directorate]  
Sent: 26 May 2015 17:47  
To: [NAD]  
Cc: [NAD], [Legal Directorate]  
Subject: FOI REQUEST 0424-15: Request for clarification

[Redacted]

If she hasn't changed anything, point that out to her, and say that if she is unable to refine the request, we will, subject to any request for internal review, close it down. I suggest you set a date by which you need to hear from her.

[Redacted]

[Redacted]  
Legal Directorate  
[Redacted]

-----Original Message-----

From: [NAD]  
Sent: 26 May 2015 16:40  
To: [Legal Directorate], [NAD]  
Subject: FW: FOI REQUEST 0424-15: Request for clarification

All

We have heard back from the requester but it hasn't been clarified any further, instead she has repeated the timeframe. How do you wish to proceed?

[Redacted]  
North America Department  
[Redacted]

-----Original Message-----

From: daniela drysdale [mailto:request-261163-8e261915@whatdotheyknow.com]  
Sent: 26 May 2015 14:50  
To: NAD Enquiries (Sensitive)  
Subject: Re: FOI REQUEST 0424-15: Request for clarification

Dear Sir/Madam,

Thank you for your reply of 22 May 2015.

You state that my request "as presently formulated is widely-framed and I estimate that it will take more than 3 ½ working days to locate, retrieve and extract this information and it would exceed the appropriate limit referred to in Section 12 of the Freedom of Information Act."

I do not quite understand why locating, retrieving and extracting such information would require such a time-consuming search of your correspondence files. I should imagine that a subject or keyword search of your correspondence register etc. for the named period should be possible and a rapid means of locating the information in question. I assume that the FCO have systems and procedures in place that allow you to track, trace and respond to significant items of correspondence that come into your department. Not to mention that the subject of US interference with our legal processes should be such an extraordinary, memorable occurrence that could be easily remembered by the FCO personnel.

In any case, if you are still unable to comply with my request within the appropriate time frame, I can narrow it further by asking you to concentrate only on the period from 15 August 2012 to 15 February 2013 and from 20 June 2014 to 1 August 2014. This will half the period covered by my request – that is from 14 months to just over 7 months.

I look forward to receiving the requested information from you.

Yours sincerely,

Daniela Drysdale

-----Original Message-----

Dear Ms Drysdale,

Thank you for your e-mail of 1 May 2015 to the Foreign and Commonwealth Office (FCO) requesting information under the Freedom of Information Act.

You asked:

- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.

- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Your request as presently formulated is widely-framed and I estimate that it will take more than 3 ½ working days to locate, retrieve and extract this information and it would exceed the appropriate limit referred to in Section 12 of the Freedom of Information Act.

We would be grateful if you would narrow its scope to bring it within the appropriate limit. An example could be if there is a specific case you wish for us to search for.

If you are able to do that, we may be able to search for information within the scope of your request, provided the costs limit is not again likely to be breached. If we locate any information –

and there is no guarantee that we might- we will then consider whether we can disclose some or all of it to you. We would have to consider whether any of the other exemptions under the FOI Act apply.

Please contact the FOI and DPA Team by 5 June 2015 via e-mail: [1][email address] quoting the reference number in the subject line.

Kind Regards

North America Department

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**E-MAIL 16A**

**From:** FOI-DPA IMD (Sensitive)  
**Sent:** 29 May 2015 13:45  
**To:** [NAD]  
**Cc:** [KMD]  
**Subject:** FW: FOI TEAM ACTION BY 3PM TODAY - FOI REQUEST 0424-15: Request for clarification

[Redaction]

[Redaction]

[Redaction] is on leave.

I've looked at your e-mail below and have added 'working days' and then i think this is good to go.

Please bcc [Redaction] in to your email to her.

Thanks

[Redaction]

---

**E-MAIL 16B**

**From:** [Legal Directorate]  
**Sent:** 28 May 2015 11:47  
**To:** [NAD]  
**Subject:** Re: ACTION BY THIS MORNING - FOI REQUEST 0424-15: Request for clarification [Redaction]

[Redaction]

I'm currently at a meeting so will get back to you on my return. I'm not aware of this case so you may need to refresh my memory. I am in the same team as [Redaction] and [Redaction] though so am slightly confused to a reference to my team doing searches.

Kind regards

[Redaction]



## E-MAIL 17

---

From: [KMD]  
Sent: 02 June 2015 10:47  
To: [NAD]  
Cc: [KMD], [NAD]  
Subject: RE: FOI REQUEST 0424-15: Request for clarification

[Redacted]

[Redacted]

I remember that we have done this before, I've checked to see if we added anything in its place but we just removed the sentence, so OK to go ahead.

[Redacted]

-----Original Message-----

From: [NAD]  
Sent: 02 June 2015 10:13  
To: [KMD]  
Cc: [KMD], [NAD]  
Subject: RE: FOI REQUEST 0424-15: Request for clarification

[Redacted]

I started drafting the letter but I'm concerned by the sentence "I can confirm that the FCO does hold information relevant to your request". We cannot confirm this so I am reluctant to have this sentence in the letter. The problem we face is that it would take the Legal Advisers over the 3.5 days limit to look through the hundreds of returns just to check whether or not they are relevant. Therefore, are you OK for me to remove this sentence completely?

Kind Regards

[Redacted]  
North America Department  
[Redacted]

-----Original Message-----

From: [KMD]  
Sent: 01 June 2015 15:29  
To: [NAD]  
Cc: [KMD]  
Subject: RE: FOI REQUEST 0424-15: Request for clarification

[Redacted]

The deadline for response to this request is tomorrow, if we do not send a substantive response it will be a missed deadline (we didn't gain any time as the requester replied to our emails on the next working day), perhaps we should issue a s12 response and add an explanation about the search

terms and any further advice that we think may help with bringing the request within the s12 limit - or say that we cannot suggest a way to do so - if that is the case?

Regards

[Redacted]

[Redacted] | FOI and DPA Team, KMD | Knowledge and Technology Directorate |

[Redacted]

KTD Knowledge through Technology

-----Original Message-----

From: [NAD]

Sent: 01 June 2015 15:20

To: [KMD]

Subject: FW: FOI REQUEST 0424-15: Request for clarification

[Redacted]

We received a reply back from Daniela. We think that there's some misunderstanding which can be easily cleared (hopefully) if we tell her exactly how we search for information (for example, inputting search terms in a variety of computer programmes, etc across the relevant departments) and explain that taking out "High Court" is not going to make much of a difference in returns. Would you be OK for me to draft an e-mail setting out the process so that she is able to understand why we are asking her to be more specific on the cases?

Kind Regards

[Redacted]

North America Department

[Redacted]

-----Original Message-----

From: daniela drysdale [mailto:request-261163-8e261915@whatdotheyknow.com]

Sent: 01 June 2015 12:29

To: NAD Enquiries (Sensitive)

Subject: RE: FOI REQUEST 0424-15: Request for clarification

Dear Sir/Madam,

Thank you for your reply of 29 May 2015.

You state that the search for the information that I have requested from you would bring up a vast amount of returns. Although I am surprised that this should be the case, I can further narrow the scope of your investigation by asking you to remove the High Court cases from your field of search. This should considerably reduce the volume of returns for you.

As regards the administration of justice in the UK, considering that the Ministry of Justice is a separate department from the FCO North America Department, your faith in the impartiality of the judiciary is quite commendable.

I look forward to receiving the requested information from you.

Yours sincerely,

Daniela Drysdale

-----Original Message-----

Dear Ms Drysdale

Thank you for your e-mail of 26 May 2015. The reason we asked for you to narrow down this request is because, as it stands, using a combination of search terms (i.e. "US", "High Court"/"Appeal Tribunal"/"Court of Appeal", "civil case", etc) would bring up a vast amount of returns from our departments. The process of weeding through the returns to check whether or not they are relevant to your FOI request will take us over the 3 1/2 working days. I appreciate you've shortened the time frame but we still need a narrower search term, for example specific cases.

With regards to your point about US interference, as we mentioned previously, the judiciary is impartial and independent of all external pressures (including from US authorities) to ensure that cases that appear before them are decided fairly and in accordance with the law.

Grateful if you could send your response to the FOI DPA Team ([FCO request email]) quoting the reference number in the subject line by 12 June 2015.

Many Thanks

North America Department

[Redacted]

---

**E-MAIL 18**

From: [NAD]  
Sent: 29 June 2015 12:19  
To: [NAD]  
Subject: FW: NEW Internal Review for FOI Request Ref 0424-15  
Attachments: Internal Review Annex B.doc; Internal Review Annex A.doc  
[Redacted]

[Redacted]

Thanks for agreeing to take this on. The deadline for response is 13 July (i.e. 20 days from 15 June).

The two documents contain information on what it is you need to consider. Her complaint is focussed on our decision not to take forward her request because the search terms were too broad and would have taken us over the time limit.

[Redacted] - can you start to pull everything together that [Redacted] needs to see and perhaps put in a folder for [Redacted] to access?

Thanks,

[Redacted]

-----Original Message-----

From: [Americas Directorate]  
Sent: 17 June 2015 12:09  
To: DL Americas NAD All Staff (Sensitive)  
Subject: FW: NEW Internal Review for FOI Request Ref 0424-15

Dear NAD,

Please see request for an internal review into this FOI Request, which I think was dealt with by NAD? (If it was another Department, grateful if you could let [Redacted] know).

Thanks

[Redacted]

**[E-MAIL 18A FOLLOWS ON FROM THE E-MAIL BELOW]**

-----Original Message-----

From: FOI-DPA IMD (Sensitive)  
Sent: 17 June 2015 12:06  
To: [NAD]  
Cc: [KMD]  
Subject: NEW Internal Review for FOI Request Ref 0424-15

Dear colleagues,

Daniela Drysdale has requested an Internal Review of FOI Request Ref:0424-15. I have logged and acknowledged the request. Attached are the templates you will need to fill in, in order to complete the internal review. Please send a completed copy of Annex B with your draft reply to the FOI & DPA Team for clearance.

The ICO is currently updating its guidance on how to complete an Internal Review. In the meantime, please see the following link to the Ministry of Justice (MoJ) website for advice on how to handle internal reviews: <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/procedural-guidance/foi-applicant-unhappy>

The ICO states that the requester receives a reply within 20 working days from receipt of the request which is 13 July 2015.

In exceptional circumstances it can be longer but should not exceed 40 working days.

[Redacted] will be the case manager and will be your first point of contact with any queries you may have regarding this request.

Regards

FOI and DPA Team  
IMD

-----Original Message-----

From: daniela drysdale [mailto:request-261163-8e261915@whatdotheyknow.com]

Sent: 15 June 2015 23:34  
To: FOI-DPA IMD (Sensitive)  
Subject: Internal review of Freedom of Information request - Data regarding requests from the US

Dear Foreign and Commonwealth Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Foreign and Commonwealth Office's handling of my FOI request 'Data regarding requests from the US'.

The FCO's justification for their refusal to comply with my request is simply not plausible. The cost of dealing with the request should not exceed the appropriate time limit.

A full history of my FOI request and all correspondence is available on the Internet at this address:  
[https://www.whatdotheyknow.com/request/data\\_regarding\\_requests\\_from\\_the](https://www.whatdotheyknow.com/request/data_regarding_requests_from_the)

Yours faithfully,

Daniela Drysdale

[Redacted]

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**E-MAIL 18A**

From: [NAD]  
Sent: 01 July 2015 14:08  
To: [KMD]  
Cc: [NAD]  
Subject: RE: NEW Internal Review for FOI Request Ref 0424-15  
[Redacted]

[Redacted]

[Redacted] is carrying out the Internal Review. [Redacted] is the [Redacted] and wasn't involved in the final decision making for FOI 0424-15.

Kind Regards

[Redacted]  
North America Department  
[Redacted]

From: [KMD]  
Sent: 01 July 2015 13:38  
To: [KMD]  
Subject: FW: NEW Internal Review for FOI Request Ref 0424-15  
Attachments: Internal Review Annex B.doc; Internal Review Annex A.doc  
[Redacted]

[Redacted]

Can you let me know who is carrying out this Internal Review, will it be a Legal Adviser?

Thanks  
[Redacted]

[Redacted] | FOI and DPA Team, KMD | Knowledge and Technology Directorate |  
[Redacted]  
KTD Knowledge through Technology

**E-MAIL 19**

---

From: [NAD]  
Sent: 03 June 2015 11:01  
To: [KMD]  
Subject: RE: FOI 0424-15  
[Redacted]

Got the go-ahead by [Redacted] on IM so I'll send this across. Thanks!

[Redacted]  
North America Department  
[Redacted]

-----Original Message-----

From: [KMD]  
Sent: 03 June 2015 11:00  
To: [NAD]  
Cc: [NAD]  
Subject: RE: FOI 0424-15

[Redacted]

This looks good to me.

[Redacted]

-----Original Message-----

From: [NAD]  
Sent: 03 June 2015 10:56  
To: [KMD], [NAD]  
Subject: RE: FOI 0424-15

[Redacted] - happy with this response?

<BEGINS>

Dear Ms Drysdale

Thank you for your e-mail. The letter sent to you on 2 June takes into account the shortened time frame as well as the removal of "High Court" from our searches. However, this still produces returns which would take us over the 3.5 working days limit.

We have now closed FOI ref. 0424-15 but you are welcome to make a new FOI request as per our letter to you.

Kind Regards

North America Department

<ENDS>

[Redacted]  
North America Department  
[Redacted]

-----Original Message-----

From: [KMD]  
Sent: 03 June 2015 09:45  
To: [NAD]  
Cc: [NAD]  
Subject: RE: FOI 0424-15

[Redacted]

An email should do, confirm we saw her email but it would not have helped and reiterating that we need more specific information (as [Redacted] advised) and are happy to treat any refinement as a new request as we have now closed this one.

[Redacted]

[Redacted] | FOI and DPA Team, KMD | Knowledge and Technology Directorate | [Redacted]  
KTD Knowledge through Technology

-----Original Message-----

From: [NAD]  
Sent: 03 June 2015 09:34  
To: [NAD], [KMD]  
Subject: FW: FOI 0424-15

[Redacted]

We have received a response from Ms Drysdale. I will work on a response to her this morning but I just wanted to give you both the heads up.

[Redacted] - would I need to write a new letter (in PDF) or would a simple e-mail response suffice?

[Redacted]  
North America Department  
[Redacted]

-----Original Message-----

From: daniela drysdale [mailto:request-261163-8e261915@whatdotheyknow.com]  
Sent: 02 June 2015 19:27

To: NAD Enquiries (Sensitive)  
Subject: Re: FOI 0424-15

Dear North America Department,

Thank you for your reply of 02 June 2015.

You seem to have responded to my message of 01 May 2015. I sent you a reply on 01 June 2015 in which I further narrowed the scope of my request by asking you to remove the High Court cases from your field of search. This refinement should have considerably reduced the volume of information returned by your search.

Please confirm that you have read my message of 01 June 2015 and advise whether you still cannot comply with my request within the appropriate time confines.

I look forward to hearing from you.

Yours sincerely,

Daniela Drysdale

-----Original Message-----

Dear Ms Drysdale

Please find attached a letter regarding your recent FOI request.

Kind Regards

North America Department

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**E-MAIL 19A**

From: NAD Enquiries (Sensitive)  
Sent: 03 June 2015 11:07  
To: 'request-261163-8e261915@whatdotheyknow.com'  
Subject: RE: FOI 0424-15  
[Redacted]

Dear Ms Drysdale

Thank you for your e-mail. The letter sent to you on 2 June takes into account the shortened time frame as well as the removal of "High Court" from our searches. However, this still produces returns which would take us over the 3.5 working days limit.

We have now closed FOI ref. 0424-15 but you are welcome to make a new FOI request as per our letter to you.

Kind Regards



North America Department

**E-MAIL 20**

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**From:** [KMD]  
**Sent:** 02 July 2015 07:56  
**To:** [NAD]  
**Subject:** RE: CLEARANCE BY 1200 2 JULY: FOI 0539-15: No Info Held  
[Redacted]

[Redacted]

KMD Content with the draft.

Best regards

[Redacted] | FOI & DPA Team | Knowledge Management Department | Knowledge & Technology Directorate | [Redacted] KCS | Foreign and Commonwealth Office | London SW1A 2AH | [Redacted]

**From:** [NAD]  
**Sent:** 01 July 2015 16:44  
**To:** [KMD]  
**Cc:** [NAD]  
**Subject:** FW: CLEARANCE BY 1200 2 JULY: FOI 0539-15: No Info Held

[Redacted]

Grateful if KMD can now clear this letter before I send this to the requester tomorrow.

Many Thanks

[Redacted]  
North America Department  
[Redacted]

**From:** [NAD]  
**Sent:** 01 July 2015 16:42  
**To:** [NAD]  
**Subject:** RE: CLEARANCE BY 1200 2 JULY: FOI 0539-15: No Info Held

Good to go, thanks [Redacted].

[Redacted]

**From:** [NAD]  
**Sent:** 01 July 2015 11:45  
**To:** [NAD]  
**Subject:** CLEARANCE BY 1200 2 JULY: FOI 0539-15: No Info Held  
**Importance:** High

[Redacted]

Grateful if you could clear this No Info Held draft by **1200 tomorrow** (2 July) please. We have had a nil return from everyone.

Many Thanks

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

## **E-MAIL 21**

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**From:** [NAD]  
**Sent:** 21 May 2015 13:41  
**To:** [NAD]  
**Subject:** RE: FOI 0424-15: Clarification  
[Redacted]

Thanks. Some suggestions below.

[Redacted] **North America Department**  
Foreign & Commonwealth Office | Old Admiralty Building, [Redacted] | London SW1A 2PA

[Redacted]

**From:** [NAD]  
**Sent:** 21 May 2015 13:36  
**To:** [NAD]  
**Subject:** FOI 0424-15: Clarification

Dear Ms Drysdale

Thank you for your e-mail of 1 May 2015 to the Foreign and Commonwealth Office (FCO) requesting information under the Freedom of Information Act. You asked:

*- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.*

*- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

As part of our process of considering your request it has become apparent that in order to carry out the search based on your current request it would exceed the appropriate limited prescribed under

Section 12 of the Freedom of Information Act. We would therefore need you to clarify this request for us to continue our search. An example could be if there is a specific case you wish for us to search for.

We can then hopefully accept your revised request and establish whether we hold any information relating to it before considering the appropriate course of action. Please contact the FOI and DPA Team **by 5 June 2015** via e-mail: FOI-DPA.IMD@fco.gov.uk quoting the reference number in the subject line.

Kind Regards

**North America Department**

**E-MAIL 22**

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**From:** [Legal Directorate]  
**Sent:** 21 May 2015 13:05  
**To:** [NAD]  
**Cc:** [Legal Directorate]  
**Subject:** FOI 0424-15: Legal Advisers search by COB 26 May  
[Redacted]

[Redacted]

I have discussed this my colleague [Redacted], and we think that if we used for example the search terms *US State* or *US Justice* and *Court cases* the search terms could throw up a vast amount of work. We would then have to comb through it to extract any relevant information which could take a very long time. I tend to agree with [Redacted] that we should go back to the requester, quoting section 12, and inviting her to narrow the request. She seems to have a specific case in mind- if she can tell us what it is, we may be able to help in the sense of conducting a meaningful search. What we can't do is promise that we will find anything let alone disclose material.

[Redacted]

[Redacted]  
**Legal Directorate**  
[Redacted]

**From:** [NAD]  
**Sent:** 20 May 2015 13:26  
**To:** [Legal Directorate]  
**Subject:** URGENT: ACTION: FOI 0424-15: Legal Advisers search by COB 26 May  
**Importance:** High

[Redacted]

The FCO have been asked to check for any information relating to the following FOI request, which NAD are leading on:

*- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances*

*in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.*

*- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.*

*- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.*

The original e-mail is below.

**NOTE:** We did respond to an MOP letter from the same person which has prompted this FOI request (attached below).

[Redacted] – I appreciate you were interested in seeing if we could ask the requestor if she was interested in a particular case, but I understand we must treat this as though it were a normal FOI case and therefore shouldn't assume what information she is after. As we made clear in our original response, the judiciary is independent of external pressures so I realise that the search is very unlikely to pull up any information.

I would be most grateful if Legal Advisers can check their:

- Outlook (including Personal Storage Area) – both tiers
- Personal Drives – both tiers
- Notebooks/paper files/in-trays
- SharePoint
- Shared Area

Please could you send your returns (**including nil returns**) by **COB Tuesday 26 May**.

[Redacted]

[Redacted] | North America Department, Americas Directorate | Foreign and Commonwealth Office  
| [Redacted] | Old Admiralty Building | London SW1A 2PA | [Redacted]

**ORIGINAL E-MAIL CHAIN:**

From: daniela drysdale [mailto:request-261163-8e261915@whatdotheyknow.com]  
Sent: 01 May 2015 12:34  
To: NAD Enquiries (Sensitive)  
Subject: RE: Freedom of Information request - Data regarding requests from the US

Dear Sir/ Madam,

Thank you for your reply of 29 April 2015.

Thank you also for reassuring me about the theoretical safeguards associated with the principle of judicial independence. As to how this principle operates in practice and what its limitations

(legitimate or otherwise) are, I and many other members of the public are well aware of, and this is not something I would ask the FCO to express an opinion on.

Unfortunately, my questions to the FCO concern another subject. (You will recognise, I'm sure, that judicial independence, no matter how fiercely upheld here in the UK, is not one and the same thing as the lack of desire by foreign bodies to interfere with it.)

I will therefore clarify and refine the scope of my information request as follows:

- Please provide us with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish (either explicit or implied) that the UK government should prevent, in any way, a UK court or tribunal from allowing a civil matter to succeed or be heard in court.
- Please note that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal, High Court of Justice and the Court of Appeal of England and Wales from 1 April 2012 to 20 February 2013 and from 1 May 2014 to 1 August 2014.
- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

Please treat the above as a request for information under the FOI Act 2000.

Many thanks and kind regards,

Yours faithfully,

Daniela Drysdale

P.S. I should also add that the reply received from the Ministry of Justice on a similar FOI request mentioned that "You might "consider redirecting your request either to the Foreign and Commonwealth Office or the Government Legal Department (formerly the Treasury Solicitor). Given the subject matter those Departments might be better placed to deal with your request."

-----Original Message-----

Dear Ms Drysdale

Thank you for your e-mail to the Foreign and Commonwealth Office on 30 March 2015. This has been passed on to the North America Department for a response. As you will be aware, the FCO has not treated your e-mail below under the Freedom of Information Act.

The judiciary is impartial and independent of all external pressures to ensure that cases that appear before them are decided fairly and in accordance with the law. Judges must be free to exercise their judicial powers without interference from litigants, the State, the media, large companies or other bodies. There is a system of checks and balance in the UK between the Executive, Legislative and Judicial branches, to ensure this independence.

If you require further information on the fundamental principle of the independence of the judiciary you may wish to look at the Courts and Tribunal Judiciary website accessible at <https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/independence/>.

Given your email references civil cases you may wish to contact the Ministry of Justice as civil matters are normally brought to a County Court. They can be reached at [email address] or 020 3334 3555.

Kind Regards

North America Department

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**E-MAIL 23**

From: **USA Helpdesk (Sensitive)**

Sent: **10/06/2015 15:27:42**

To: **[NAD]**

CC:

Subject: [Redacted] **COMPLETED USA Helpdesk Ref -1698209952 - FOI 0424-15 US Govt/UK Court On Hold**

**Pending Clarification**

Your request -1698209952 - FOI 0424-15 US Govt/UK Court On Hold Pending Clarification sent on 20/05/2015 08:26:08 to the USA

Helpdesk has been completed with the following resolution:

Superseded by 0539-15

by: [Redacted]

on: 10-Jun-15

If you feel that your request has not been completed to your satisfaction please do NOT reply back to this message. Instead contact the USA Helpdesk on [Redacted] quoting the work order reference number: -1698209952 and ask for the work order to be re-opened.

[Redacted]

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**E-MAIL 24**

From: **[Washington]**  
**10/06/2015 17:02:57**

Sent:

To: **[Washington]**

CC:

Subject: **RE: FOI Request - USA Ref -1457012572 - UK Ref 0539-15 - US Opinion on UK Employment Appeal**

**Tribunal Deadline Thursday 18 June**

Hah – our emails crossed!

[Redacted]

[Redacted] Political Team | British Embassy Washington | [Redacted]

From: [Washington]

Sent: 10 June 2015 16:58

To: Patrick Davies (Sensitive); [Washington], Eric Hepburn (Sensitive), [Washington]

Cc: [Washington]

Subject: RE: FOI Request - USA Ref -1457012572 - UK Ref 0539-15 - US Opinion on UK Employment Appeal Tribunal Deadline

Thursday 18 June

Patrick

I'm just heading out the door and I'm sure [Redacted] will have more insight.

We found this about an Employment Case

<http://www.employmentcasesupdate.co.uk/site.aspx?i=ed22555>

Thank you

[Redacted]

[Redacted] Corporate Services, Washington

British Embassy, 3100 Massachusetts Ave NW, Washington DC 20008

[Redacted]

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#### E-MAIL 25

From: [Washington]

Sent: **11/06/2015 14:08:27**

To: **Washi OGLO (Sensitive)**

CC:

Subject: **FW: FOI Request - USA Ref -1457012572 - UK Ref 0539-15 - US Opinion on UK Employment Appeal**

**Tribunal Deadline Thursday 18 June**

[Redacted],

No returns from the DHM files from 2012 – 2013.

Thanks,

[Redacted]

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#### E-MAIL 26

From: [Washington]

Sent: **11/06/2015 17:08:03**

To: **Patrick Davies (Sensitive); [Washington], Eric Hepburn (Sensitive); [Washington]**

CC: [Washington]

Subject: **RE: FOI Request - USA Ref -1457012572 - UK Ref 0539-15 - US Opinion on UK Employment Appeal**

**Tribunal Deadline Thursday 18 June**

Agree it is a very very random one! As [Redacted] noted in [Redacted] email this is a serial requestor and I'm afraid none of them have been any more specific or relevant.

All the best,

[Redacted]

[Redacted] Political Team | British Embassy Washington | [Redacted]

From: Patrick Davies (Sensitive)

Sent: 11 June 2015 11:46

To: [Washington], Eric Hepburn (Sensitive), [Washington]

Cc: [Washington]

Subject: **RE: FOI Request - USA Ref -1457012572 - UK Ref 0539-15 - US Opinion on UK Employment Appeal Tribunal Deadline**

Thursday 18 June

[Redacted]

Thanks. I understand fully that we should not try to second guess the motivation behind the question in FOI request. My reason for asking was simply that this request seemed so unconnected to anything we might be doing in the US, that I wondered whether it was an error.

We should, of course, search for any relevant files.

Patrick

Patrick Davies OBE | Deputy Head of Mission | British Embassy | 3100 Massachusetts Avenue NW | Washington DC | 20008 | USA |

[Redacted]

[Redacted]

From: [Washington]

Sent: 10 June 2015 16:59

To: Patrick Davies (Sensitive); [Washington], Eric Hepburn (Sensitive)

Cc: [Washington]

Subject: **RE: FOI Request - USA Ref -1457012572 - UK Ref 0539-15 - US Opinion on UK Employment Appeal Tribunal Deadline**

Thursday 18 June

Patrick,



We don't know I'm afraid – as [Redacted] notes below, this one is from a serial requester. Given its about an Employment Tribunal, it could be about Drysdale v. DoT (<http://www.employmentcasesupdate.co.uk/site.aspx?i=ed15709>). But that could be a completely different Daniela Drysdale.

Either way we get into trouble with the Information Commissioner if we second guess what requesters might be after (and answer that, rather than their initial request). So we need to look for any documents (from between August 2012 to February 2013) that mention Employment Appeal Tribunals and the US Administration.

Very happy to discuss,

[Redacted]

[Redacted] Political Team | British Embassy Washington | [Redacted]

From: Patrick Davies (Sensitive)  
Sent: 10 June 2015 16:47  
To: [Washington], Eric Hepburn (Sensitive)  
Cc: [Washington]  
Subject: RE: FOI Request - USA Ref -1457012572 - UK Ref 0539-15 - US Opinion on UK Employment Appeal Tribunal Deadline  
Thursday 18 June

Could anyone explain what we think the requester is getting at?

Patrick

Patrick Davies OBE | Deputy Head of Mission | British Embassy | 3100 Massachusetts Avenue NW  
| Washington DC | 20008 | USA |  
[Redacted]

[Redacted]

From: [Washington]  
Sent: 10 June 2015 15:53  
To: [Washington], Patrick Davies (Sensitive), Eric Hepburn (Sensitive)  
Cc: [Washington]  
Subject: FOI Request - USA Ref -1457012572 - UK Ref 0539-15 - US Opinion on UK Employment Appeal Tribunal Deadline  
Thursday 18 June  
Importance: High

All,

We have received the following Request under the Freedom of Information Act.

- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK

government/authorities should prevent, in any way, the Employment Appeal Tribunal (England and Wales) from allowing a civil matter to succeed or be heard in court.

- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: 15 August 2012 to 15 February 2013 .

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

I would be most grateful if you could check the following areas:

Outlook (including Personal Storage Area)

Personal Drives

Notebooks/Paper Files/In-Trays

Shared Area

SharePoint

NB this applies to both Firecrest Tiers

We have the following information on the Requester

Daniela Drysdale

request-271910-6a7bde00@whatdotheyknow.com

This follows on from a previous FOI -

[https://www.whatdotheyknow.com/request/data\\_regarding\\_requests\\_from\\_the#incoming-659735](https://www.whatdotheyknow.com/request/data_regarding_requests_from_the#incoming-659735). This individual has requested a number of FOIs with various UK government departments on the FV Trident Enquiry.

We have been given the following search parameters

US Administration and Employment Appeal Tribunal and others as highlighted in the request.

You should narrow your search to items between 15 Aug 2012 and 15 Feb 2013.

[Redacted], this only applies to the S Drive if it is viewable by other members of FSPG. Information held by PAGs on Firecrest is only in scope if it is searchable by FCO staff too - which means your P Drive and Outlook are excluded for sure.

Please pass this on to other members of your Team if you think they may have information.

Please could you send your returns (including nil returns) by COB Thursday 18 June to the Washi OGLO (Sensitive) Mailbox. If you have any material from the Upper Tier please send to my mailbox on that tier. Please do not forward information but drag and drop in to a new email so they appear as attachments.

Thank you

[Redacted]

## E-MAIL 27

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From: [Washington]  
Sent: 23/06/2015 11:00:48  
To: [NAD], [Washington]  
CC: [NAD]  
Subject: -1457012572RE: FOIs due today  
Thanks [Redacted],

I think I've already sent in a nil return on the FOI that [Redacted] sent round on the 10th. If not, then please take this as our nil return!

Ta

[Redacted]

[Redacted] Political Team | British Embassy Washington | [Redacted]

-----Original Message-----

From: [NAD]  
Sent: 23 June 2015 06:15  
To: [Washington]  
Cc: [NAD]  
Subject: RE: FOIs due today

[Redacted]

[Redacted] has been off sick yesterday and today, but hopefully will be back in tomorrow - although tomorrow will be the first [Redacted] will of heard of the internal FOI request as it came in whilst [Redacted] was on leave ([Redacted] -welcome back!).

In terms of next steps, we do need to carry out the internal review despite having an ongoing FOI of a similar nature. Therefore, we should all proceed to search for documents based on the email [Redacted] sent on 10 June (I think). I've pasted below in case you don't have:

- Please provide me with any information held by the FCO, recorded in any format - including but not limited to correspondence to, from and within your ministerial department - relating to any instances in which the US Administration or any other official bodies in the US requested (or compelled/ tried to compel) or expressed a wish or opinion (either explicit or implied) that the UK government/authorities should prevent, in any way, the Employment Appeal Tribunal (England and Wales) from allowing a civil matter to succeed or be heard in court.

- Please be advised that I am only interested in civil matters which were ongoing in the Employment Appeal Tribunal during the period: 15 August 2012 to 15 February 2013 .

- Please also note that I am not interested in civil cases in which the US Administration or any other US official bodies were named parties to the legal proceedings.

The original e-mail is below.

NOTE: Some search terms have been high-lighted above, including the time frame.

I would be most grateful if Legal Advisers can check their:

- Outlook (including Personal Storage Area) – both tiers
- Personal Drives – both tiers
- Notebooks/paper files/in-trays
- SharePoint
- Shared Area

Thanks,

[Redacted]

[Redacted] North America Department  
Foreign & Commonwealth Office | Old Admiralty Building, [Redacted] | London SW1A 2PA

[Redacted]

-----Original Message-----

From: [Washington]

Sent: 19 June 2015 15:44

To: [Washington], [NAD]

Cc: [NAD]

Subject: RE: FOIs due today

You're supposed to be on holiday!

But yes, nil return from both of these.

[Redacted] - I know we've had an internal review on the earlier Tribunal one, so perhaps we can catch up on Monday on that one before the letter goes out to check if there's anything we need to pick up

All the best,

[Redacted]

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From: [Washington]

Sent: 19 June 2015 14:57

To: [Washington]

Cc: [NAD]

Subject: FOIs due today

[Redacted]

I think we were a nil return on both of those due today? [Redacted] and the Tribunal one seems to be a nil return as well?

Thank you

[Redacted]

[Redacted] Corporate Services, Washington  
British Embassy, 3100 Massachusetts Ave NW, Washington DC 20008