



Foreign &
Commonwealth
Office

Whitehall Liaison Department
Foreign and Commonwealth Office
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09 February 2016

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 1001-15

Thank you for your email of 14 October 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Pursuant to the Freedom of Information Act 2000, I request a copy of all correspondence exchanged between the Foreign and Commonwealth Office ("FCO") and the United States Government ("the US") regarding the travels of former National Security Agency contractor Edward J. Snowden. I also request a copy of all other correspondence generated by the FCO regarding Edward J. Snowden's travels and any prospective asylum bid or overflight plans, including correspondence with other government bodies, such as the Office of the Prime Minister, the CAA, or the Home Office.

Specifically, I seek:

- *A copy of any correspondence between the US and FCO sent in June or July 2013 discussing Snowden's whereabouts or discussing the possible extradition or return of Snowden from British territory.*
- *A copy of any internal FCO correspondence discussing Snowden's whereabouts, his prospective asylum request or the possibility that his plane might cross into British airspace during the same period.*

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

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

Please find enclosed the information that the FCO can release to you. Some of the information has been withheld on the basis of a number of exemptions:

Section 27(1)(a) of the FOIA recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states if it was disclosed. In

this case, the release of information relating to the whereabouts and prospective asylum request of Edward Snowden could harm our relations with the US, France, Portugal, Italy, Spain, Bolivia, Venezuela, Ecuador, Uruguay, Hong Kong, China, Russia, Ireland and Germany.

The application of s.27(1)(a) requires us to consider the public interest test arguments in favour of releasing and withholding the information. We acknowledge that releasing information on this issue would increase public knowledge about our relations with the aforementioned countries. However, s.27(1)(a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. The disclosure of information detailing our relationships with the governments of said countries could potentially damage the bilateral relationships between these countries and the UK. This would reduce the UK government's ability to protect and promote UK interests through its relations with the countries mentioned above, which would not be in the public interest. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Some of the information you request is exempt under Section 35(1)(a) of the Act which also requires the application of a public interest test. It is recognised that there is public interest in greater transparency in the decision making process to ensure accountability within public authorities. However, officials need to be able to conduct rigorous and candid risk assessments of their policies and programmes, including considerations of pros and cons, without there being a risk of premature disclosure which might close off better options and inhibit the free and frank discussion of all policy options. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Some of the information you have requested is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Finally, some of the information you requested is exempt under section 41 of the Act, as disclosure would be a breach of confidence. The successful working of British diplomacy depends upon sources being able to provide information in confidence without fear that this will be made public. Exemptions under Section 41 do not require the application of a public interest test.

The FCO can neither confirm nor deny whether the above information represents all the information held that would meet the terms of your request, as the duty to comply with section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of sections 23(5) and 24(2).

To the extent that section 24(2) applies, the FCO has determined that in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to

confirm or deny outweighs the public interest in confirming whether or not the information is held, and to give a statement of the reasons why the exemption applies would itself involve the disclosure of exempt information. Therefore under section 17(4) of the Act the FCO is not obliged to give such a statement.

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

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Yours sincerely,

Whitehall Liaison Department



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