



Foreign &
Commonwealth
Office

Estates & Security Directorate
Foreign and Commonwealth Office
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09 June 2015

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0355-15

Thank you for your email of 9 April 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Whistleblowing.

- (1) *Please provide details of the number of individuals who have raised concerns regarding alleged breaches of the Civil Service Code in your organisation between the following dates: 01/01/2010 to 09/01/2010 and 01/01/2014 to 31/12/2014.*
- (2) *in particular:*
 - i. *Please provide details of whether each individual raised the concern on anonymous, confidential, or self identified basis.*
 - ii. *Please indicate whether the concern was raised to a line manager or nominated officer (an individual tasked to receive whistleblowing concerns as identified in the Civil Service Code).*
 - iii. *Please provide a brief summary of the types of concerns raised.*
 - iv. *Please indicate whether or not the matter complained of was subsequently referred to the Civil Service Commission or a regulatory or enforcement organisation.*
 - v. *Please identify (if appropriate) whether any subsequent action was taken.*

Disclosure of Official Information without Authority.

- (3) *If instances of disclosures of official information without authorisation (commonly referred to as 'leaking' i.e. to a journalist or other any other individual outside of the*

organisation who should have access to the information in question) are recorded by your organisation, please disclose the number of instances of unauthorised disclosure between the dates: 01/01/2010 to 31/12/2014.

- (4) Please disclose the number of inquiries conducted into disclosures of official information without authority between the dates: 01/01/2010 to 31/12/2014.*
- (5) Please disclose any policy guidance/ guidelines for the handling of instances of unauthorised disclosures*
- (6) If possible, please identify the number of employees in your organisation who have been subject to disciplinary action or dismissal for the disclosure of official information without authority.*

Confidentiality agreements

- (7) Please identify whether or not individuals working for your organisation are required to sign a confidentiality agreement. If so, please disclose a blank copy of this agreement.*

Official Secrets Acts

- (8) Please identify whether or not individuals working for your organisation are required to sign the Official Secrets Act(s). If, so please disclose a blank copy of this agreement.*

Authorisation to disclose official information.

- (9) If your organisation has policy guidance/ procedures for individuals (in particular employees or former employees of your organisation) to seek authorisation to disclose official documents (as indicated by s.7 Official Secrets Act 1989) please disclose this.*

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.

Questions 1 & 2: I noted that the request is for information for the period 1/1/2010 – 9/1/2010 and for 1/1/2014 to 31/12/2014. However, our information is recorded by quarters of the financial year (FY). I have therefore provided the information relating to the periods 1/1/2010 – 31/3/2010 and for 1/1/2014 to 31/12/2014.

For the quarter 01/01/2010 – 31/03/2010 8 concerns were raised with the Anti Fraud Corruption Unit. Between 1 January and 31 December 2014, 30 concerns were raised. Concerns were raised about issues including alleged fraud in procurement, possible misuse of public funds and possible theft. All concerns were investigated and appropriate action

taken. Some cases were dealt with through internal disciplinary procedures, including dismissal when appropriate. All reports are treated as Confidential and we do not retain figures on whether the report was by a named individual, anonymous or self identified.

Questions 3 and 4: Information specific to your timeframe is not available, however there were 23 leak inquiries conducted by the FCO between January 2009 and December 2014.

Question 5: The FCO takes all instances of disclosure of official information without authorisation (leaks) seriously, including those to the media. We regard them as breaches of the Civil Service Code of Conduct. The FCO initially manages all incidents internally consulting the Cabinet Office and others as necessary and takes disciplinary action against individuals where appropriate.

Question 6: The FCO does hold some relevant information, however, we are withholding this under Section 40 (2) and (3) (Personal Information) of the Freedom of Information Act 2000. As the numbers involved are so small we consider that disclosure would risk the identification of the individuals concerned. We also believe that disclosure would breach legitimate expectation of the individual's rights to protection of their personal information. This would not be fair to the individuals concerned and disclosure would, therefore, be in breach of the first principal of the Data Protection Act 1998. 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. Section 40 is an absolute exemption and there is, therefore, no public interest to be considered.

Questions 7 & 8: Individuals working for the FCO are not required to sign a confidentiality agreement. However, locally employed members of staff are asked to sign a letter of appointment that requires them to maintain confidentiality about their work and all members of the FCO employed under UK law are subject to the Official Secrets Act (1989). They are provided with an explanatory leaflet summarising the provisions of the Act and are required to accept these as part of their Terms and Conditions of Service. The requirement to sign the OSA was removed by the 1989 Act.

Question 9: The FCO does have policy guidance/procedures for employees (and former employees) to seek authorisation to disclose official documentation. The relevant extract from Diplomatic Services Regulations is attached.

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Yours sincerely,

Estates and Security Directorate



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