



Foreign & Commonwealth Office

South Asia Department
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www.gov.uk/fco

15 August 2014

Freedom of Information Request: 0099-14

Thank you for your request for information which we received on 24 January. We wrote to you on 21 February, 21 March, 22 April, 21 May, 20 June and 18 July to notify you that it would take longer to respond to your request while we established where the public interest test lies. In your request you asked for;

1. *Prime minister John Major visited Bangladesh between 10–12 January 1997. Please share official report of his tour.*
2. *Prime minister Tony Blair visited Bangladesh in 2002. Please share official report of his tour.*
3. *On 21 May 2004, Anwar Choudhury, British High Commissioner to Bangladesh was targeted in a failed grenade attack in the Dargah-e-Shah Jalal mosque in Sylhet. Please share the British investigation report on his attack.*

Your request was separated into two parts and I am answering these three sections of your request.

I can confirm that the Foreign & Commonwealth Office has now completed its search for the information you requested regarding Prime Ministers John Major and Tony Blair's visits to Bangladesh in 1997 and 2002 respectively - requests 1 and 2. I can confirm that the FCO holds information relevant to requests 1 and 2. However, the FCO has decided not to disclose the information you requested.

Regarding request 3, we hold an initial report produced by the Metropolitan Police Service (MPS) relating to the incident, which we assess to be of relevance to your request. I enclose with this letter a digest containing the information from the report we hold that we are able to disclose to you under the Freedom of Information Act (FOIA). The remaining information has been withheld.

In relation to all three requests the information that has been withheld falls under exemptions in sections 23 – Security bodies; Section 24 – National Security; 27 – International relations; 31 – Law enforcement; 35 – Formulation of Government Policy; 40 – Personal information; and, 43 – Commercial interests, of the FOIA. The table below makes clear which exemption applies to information withheld by the FCO for each request.

Exemptions	Request 1	Request 2	Request 3
23 (1) – Security bodies	N/A	N/A	X
23 (1) – National Security	N/A	N/A	X
27 (1) (a) (b) (c), (2) – International Relations	X	X	X
31 (1) (a) – Law enforcement	N/A	N/A	X
35 (1) (a) (b) – Formulation of government policy	X	X	X
40 (2) (3) – Personal information	X	X	X
43 (2) – Commercial interests	X	X	N/A

Information in the MPS report, apart from the digest enclosed, is exempt from release under Section 23 (1) or Section 24 (1) of the FOIA. Section 23 is an absolute exemption and is therefore not subject to the public interest test. The reason the exemption applies is that the information was directly or indirectly supplied to the Foreign and Commonwealth Office by, or relates to, one of the bodies specified in subsection 23(3).

Section 24 is a qualified exemption, which means that it is subject to a public interest test. We acknowledge the public interest in openness and transparency, but we consider that there is also a public interest in the FCO protecting national security. Having reviewed the requested material, we are concerned that its release would adversely impact on the UK's security. We have therefore concluded that the exemption applies and that withholding the material serves the public interest better than release in this instance.

Some information held in relation to all three requests is exempt from release under Section 27 (1) (a) of the FOIA – information which would, or would be likely to, prejudice relations with Bangladesh. Section 27 is a qualified exemption. As such, a public interest test to determine whether or not the information should be released must be applied.

The effective conduct of our relationship with other governments depends on maintaining their trust and confidence. If we do not, our ability to work with them on a range of issues would be impeded. We recognise that there is public interest in transparent and open government and releasing information that would inform public debate about our efforts to co-operate with international partners on security matters, particularly those relating to British nationals and officials overseas. There is a strong public interest in understanding how we work with the security agencies and officials to ensure that incidents like the one involving Mr Choudhury are fully investigated. However, we have to balance against the impact that disclosure could have on future co-operation with the Bangladesh authorities.

The UK government's relationship with the Bangladesh government and security bodies allows us to freely discuss our foreign policy and to carry out our responsibility to protect officials overseas. If we do not honour our part in this relationship, the Bangladesh government, and other international partners, may be more reluctant to share sensitive information with the UK Government in future, and may be less likely to respect the confidentiality of information supplied by the UK Government to them. We judge that the release of the information would damage our relations with authorities on whose co-operation we rely on security and counter terrorism matters. This would seriously compromise our ability to work with them in future. In assessing where the balance of the public interest lies, we have taken into account the date of the Prime Ministerial visits to Bangladesh and the incident involving Mr Choudhury and that the sensitivity of the information may have lessened over time. However, we assess that disclosing the

information would be harmful to relations with Bangladesh. For the reasons above, we believe that the public interest in releasing this information does not outweigh the case for exemption.

Section 27(2) applies because we consider that any conduct of diplomacy at heads of government or heads of state level depend on a presumption that any exchanges are confidential. Additionally, information shared with the UK by a representative of the government of Bangladesh has been withheld under Section 27 (2) of the Act. We acknowledge that there is a public interest in the UK government's cooperation with international partners and how this enables us to work effectively together on counter terrorism and security matters. However, we must consider the sensitivity of the information and the harm that would be caused if the information were to be released given that there was an expectation of confidentiality when it was shared.

We acknowledge that releasing information on both issues would increase public knowledge about our relations with Bangladesh. However, we judge that given the nature of the information and confidential basis on which it was shared, disclosure would damage our relationship with the Governments concerned. They would perceive it as a breach of trust and confidence and would be likely to be less co-operative in their dealings with us. This would be detrimental to our wider bilateral relationship and the protection of British interests overseas. Balancing these factors, we consider that the public interest in maintaining exemption under Section 27(2) outweighs the public interest in disclosure.

Information from the MPS report, apart from the digest enclosed, is withheld under Section 31 (1) (a) of the Act as information that, if disclosed at this time, would, or would be likely to prejudice the prevention and detection of crime.

We recognise that there is a public interest in the need for transparent government, and that the incident was reported and generated interest at the time. The argument in favour of disclosing information is that it is in the public interest to ensure the transparency of all matters relating to Police investigations involving British nationals who have been injured in serious incidents like the one on Dargah-e-Shah Jalal mosque. This helps to reassure the public that we work with authorities in other countries to ensure that incidents are investigated rigorously, and to understand how we cooperate with them on security matters and responding to future threats.

However, this must be balanced against the public interest in protecting the information that UK authorities, in this case the MPS, may gather to report on an attack involving British nationals overseas and investigative processes and techniques that are followed. It is the view of the MPS that releasing information would be prejudicial to future investigations as it relates to the information gathered for these purposes and the strategies used by officers deployed to work with authorities in countries like Bangladesh. This would not be in the public interest. For this reason, we believe that the public interest in maintaining this exemption strongly outweighs that in disclosure.

Section 35(1)(a) applies as some of the information withheld in respect of all three requests relates to the formulation or development of government policy. Section 35(1) (b) applies as this relates to communications between Ministers. Both of these sections also pass the public interest test as good government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure. In this case we judge that given the nature of the

information the public interest in maintaining this exemption outweighs the public interest in disclosure.

Some of the information you have requested in respect of all three requests contains personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) of the FOIA 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 section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Section 43(2) applies as some of the information you have requested in request 1 and 2 is commercially sensitive. There is a public interest in the disclosure of commercial information to ensure effective, open and honest use of public money. However, we consider that this transparency also poses risks to the protection of commercially confidential information, or information the release of which would harm the commercial interests of any body, including the UK. This would limit the sources of information and interlocutors available to the FCO. In doing so, it would seriously impair our ability to work for UK interests. For this reason, we believe that the public interest in maintaining this exemption strongly outweighs that in disclosure.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by the FCO will have been produced by government officials and will be protected by Crown Copyright. You can find details on the arrangement for re-using Crown Copyright information on the [TNA](#) website.

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Please contact me if you have any queries about this letter.

Yours sincerely,

Sri Lanka, Bangladesh and Maldives Team, South Asia Department

