



Foreign &
Commonwealth
Office

**Diplomatic Missions and
International Organisations Unit
Protocol Directorate**

Room K82
King Charles Street
London SW1A 2AH

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23 June 2015

Dear _____,

REVISED AND CORRECTED REPLY Freedom of Information Request: Ref: 0502-15

With apologies the previous response cited Section 27 in error and the information provided needed further clarification.

Thank you for your email of 27 May 2015 about the number of alleged crimes reported for which the suspected perpetrator would have been entitled to diplomatic immunity in each of the last five years, specifically:

- *A breakdown of the number of reports/complaints for each stated offence in each year*
- *Which of these reports/complaints resulted in a conviction of the suspected perpetrator under British law*

We can confirm that the Foreign and Commonwealth Office (FCO) does hold information related to your request. Parliamentary and Diplomatic Protection (PaDP) of the Metropolitan Police notifies us of incidents and offences. These figures include both offences allegedly committed by, and also offences allegedly committed against persons attached to diplomatic missions and international organisations, and dependant family members in the UK.

Since 2010 PaDP has notified us of:

2010: 643 incidents/offences;

2011: 771 incidents/offences;

2012: 996 incidents/offences;

2013: 873 incidents/offences;

2014: 1030 incidents/offences.

Since the start of 2015 PaDP has notified us of 448 incidents/offences.

Under section 21 of the Act, we are not required to provide information in response to a

request if it is already reasonably accessible to you. A breakdown of serious offences is available to you (serious offences are those that would attract a prison sentence of 12 months or more). Every year the Secretary of State for Foreign and Commonwealth Affairs makes a Written Ministerial Statement to Parliament on serious offences, which have allegedly been committed by members of the diplomatic community in the UK. The last statement made on 15 July 2014 gave the figures for 2013, and a record can be found here: <http://www.publications.parliament.uk/pa/ld201415/ldhansrd/text/140715-wms0001.htm>

Figures for 2012 and a record can be found here: <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130711/wmstext/130711m0001.htm>

Figures for 2011 and a record can be found here: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120705/wmstext/120705m0001.htm>

Figures for 2010 and a record can be found here: <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110719/wmstext/110719m0001.htm>

The Foreign Secretary will make a further Written Ministerial Statement next month, covering alleged serious offences in 2014. He will also make a Written Ministerial Statement in 2016 covering alleged serious offences in 2015. This information is therefore exempt from disclosure under Section 22 of the Freedom of Information Act (Information intended for future publication). Section 22 provides that:

Information is exempt information if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not);
- (b) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

The exemption under Section 22 of the Freedom of Information Act recognises that it must be reasonable in all the circumstances to withhold the information until the date of publication. Given the necessary preparation and administration involved in publishing the information, we consider that our publication timetable is reasonable.

Searching for the additional information you request, that is not included in the Written Ministerial Statement, – e.g. non-serious incidents and offences that would attract a prison sentence of less than 12 months - would require us to check each and every notification stored electronically and on paper since 2010. We would also have to check any subsequent records to confirm the nature of the alleged incident and offence and whether the alleged perpetrator was entitled to diplomatic immunity. We estimate that the cost of searching for this information, and therefore complying with this part of your request would exceed the appropriate limit of £600.

Section 12 of the Freedom of Information Act makes provisions for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central Government the appropriate limit is set at £600. This represents the estimated cost of one or more persons spending 3½ working days in determining whether the Department holds the information,

and locating, retrieving and extracting it. Your request as presently formulated is widely-framed and I estimate that it will take more than 3½ working days to locate, retrieve and extract this information. In these circumstances, we are not obliged under the Act to comply with your request.

In order for your request to fall within the appropriate limit we would recommend you narrow your request down. You might consider concentrating on a particular country over a specific time period. However, you should be aware that this does not guarantee an automatic release, as all information must be assessed in detail. Any reformulated request will be treated as a fresh request under the Act and any information that found as a result may be subject to exemptions under the FOI act.

In answer to the second part of your question we are aware of four convictions where the perpetrators had previously been entitled to diplomatic immunity. Section 27 does not apply and was cited in error.

In December 2014 four former Gambian diplomats (and three former locally-engaged members of staff at the Gambian mission) were convicted and sentenced for conspiracy to cheat the revenue, having bought tobacco in commercial quantities free of tax and duty due to the former diplomats' status. The four former diplomats each received prison sentences ranging from five to seven years. This case serves to highlight the Government's expectation that diplomats and diplomatic missions in the UK will respect our laws and regulations and that, when an offence takes place, we will take firm action against those responsible.

The FCO can neither confirm nor deny whether the information disclosed 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 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.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

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.

The information being 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. To re-use Crown Copyright documents please consult the Open Government Licence v3 on the National Archives website.

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ensure that you gain their permission before reproducing any third party (non-Crown Copyright) information.

Yours sincerely,

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