



Foreign &
Commonwealth
Office

Middle East and North Africa Directorate
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26 April 2016

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0966-15

Thank you for your email of 31 March informing us that you have replaced [Redacted] at the BBC, this is the response to her email of 30 September 2015 asking for information under the Freedom of Information Act (FOIA) 2000:

“Copies of all communications between the British Embassy in Riyadh and the Foreign Office in London relating to the contract proposal for the MoJ to provide training services to the prison service of Saudi Arabia, under the Just Solutions International (JSI) brand, since 1st January 2014.”

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

Please find attached the information that the FCO can release to you.

After reviewing all the material, we have come to the decision that some of the information is being withheld under Section 27, Section 35 and Section 40 of the Freedom of Information Act.

Section 27(1)(a) recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states if it was disclosed. Some of the information engages this exemption. The application of Section 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 private discussions in relation to the above proposal with Saudi Arabia and Section 27(1)(a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. If the United Kingdom does not maintain this trust and confidence, its ability to protect and promote United Kingdom interests through international relations will be hampered, which will not be in the public interest. The disclosure of information detailing our discussions with the Saudi Arabian

government could potentially damage the bilateral relationship between the United Kingdom and Saudi Arabia. This would reduce the United Kingdom government's ability to protect and promote United Kingdom interests through its relations with Saudi Arabia. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Section 35 is a qualified exemption and I have considered whether the balance of the public interest favours our release of this material. Some of the information engages this exemption. There is a general public interest in disclosure of information and I recognise that openness in government may increase public trust in and engagement with the government. These public interests have to be weighed against a strong public interest that policy-making and its implementation are of the highest quality and informed by a full consideration of all the options. Ministers and officials must be able to discuss policy freely and frankly, exchange views on available options and understand their possible implications. The candour of all involved would be affected by their assessment of whether the content of the discussions will be disclosed prematurely, as it formed part of briefing on ongoing policy. If discussions were routinely made public there is a risk that Ministers may feel inhibited from being frank and candid with one another. As a result the quality of debate underlying collective decision making would decline, leading to worse informed and poorer decision making. Taking into account all the circumstances of this case, I have concluded that the balance of the public interest favours withholding this information.

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 40(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, section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

We apologise for the length of time it has taken to respond to your request. The FCO always endeavours to provide a response to FOI requests within 20 working days as required under the FOIA, but we have to ensure that any relevant information we hold is assessed and reviewed by all relevant stakeholders to consider thoroughly whether the public interest test arguments favour releasing or withholding the information. In this case a search request was sent out the day after your original FOI request was received. The delay was as a result of having to assess thoroughly all the results of this search and consult stakeholders for review and clearance of the material found.

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](https://www.gov.uk) in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

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Yours sincerely,

Gulf Team
Middle East and North Africa Directorate



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