



Foreign &
Commonwealth
Office

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

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03 August 2015

Freedom of Information Request: Ref: 0684-15

Thank you for your email of 9 July 2015 about the number of 'serious and significant offences' allegedly committed in 2014 by people entitled to diplomatic immunity in the United Kingdom, specifically:

- *Release in full the communication from the Met Police's Diplomatic Protection Group to the FCO regarding each offence. Names of alleged offenders can be redacted if deemed sensitive to national security.*
- *Detail in each case whether the relevant foreign government agreed to waive diplomatic immunity for the alleged individual. .*
- *Detail in each case where the waiver was denied, whether the FCO requested the immediate removal of the diplomat.*

We can confirm that the Foreign and Commonwealth Office (FCO) does hold information which falls within the description specified in your request.

We expect all foreign diplomats in the UK to abide by UK laws at all times. We take a proactive approach – regularly reminding missions of diplomats' obligations to respect UK laws. We take a firm line with diplomatic missions and international organisations whose diplomats commit offences.

All alleged offences are investigated by the police or other law enforcement agencies. In the case of the most serious alleged offences, the diplomat in question would be immediately withdrawn from the UK unless they cooperate with any investigation with diplomatic immunity waived by their mission.

Every year the Secretary of State for Foreign and Commonwealth Affairs, or the relevant Parliamentary Under-Secretary of State, makes a Written Ministerial Statement (WMS) to Parliament on serious offences, which have allegedly been committed by members of the diplomatic community in the UK.

This year's WMS, covering serious offences allegedly committed in 2014, was made on 16 July and a record can be found here: <http://www.parliament.uk/documents/commons-vote-office/July%202015/16%20July/9-FCO-AllegedSerious.pdf>.

In respect of each of the 14 alleged offences in this year's WMS, the FCO sent appropriate warnings to the missions in question. We demanded that one of the alleged offenders leave the UK and the individual complied.

The police asked the FCO to request a waiver for only one of the cases listed in this year's WMS. This waiver has not been granted.

We are withholding further information on this case under exemption 31(1)(g)(2)(a) of the Freedom of Information Act (FOIA). Section 31(1)(g) states that:

- (1) information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice – (g) the exercise by any public authority of its functions for any the purposes specified in subsection (2).
- (2) The purposes referred to in subsection (1)(g) to (i) are - (a) the purpose of ascertaining whether any person has failed to comply with the law.

Disclosing this information would increase public knowledge of procedures for dealing with alleged offences committed by diplomats and provide greater transparency of the use of public funds and high profile investigation. However, disclosure of this information could undermine internal investigative processes as to whether or not an offence should be waived; undermine capabilities of the home force to investigate crimes and prosecute offenders; provide diplomats with information on offences that could be committed without fear of prosecution; undermine engagement with the home force as to what sanctions should be applied 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.

Communications from the Met Police's Parliamentary and Diplomatic Protection (formerly Diplomatic Protection Group) contain "sensitive personal data". The following are considered "sensitive personal data" for the purposes of the Data Protection Act:

- the commission or alleged commission of an offence;
- any proceedings for any offence committed or alleged to have been committed.

The disclosure of the requested communication from Parliamentary and Diplomatic Protection would therefore contravene one of the data protection principles. In such circumstances sections 40(2) and (3) 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, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

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 further information relating to these alleged offences and any subsequent waivers of immunity, beyond that which is contained in the WMS, could harm our relations with the states in question.

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 these alleged offences. However, s.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 UK interests through international relations will be hampered, which will not be in the public interest. The

disclosure of information detailing our relationship with the states in question could potentially damage the bilateral relationship between the UK and these states. This would reduce the UK government's ability to protect and promote UK interests through its relations with these states 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.

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.

Yours sincerely,

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