



Foreign &
Commonwealth
Office

Arabian Peninsula and Iran Department
Foreign and Commonwealth Office
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08 November 2016

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0734-16

Thank you for your email of 29 July asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Under the Freedom of Information Act 2000, I request the Foreign and Commonwealth Office to provide me with the following information:

a) Whether legal advice was provided to the FCO between 22 March 2016 and 21 July 2016 regarding responses provided by ministers on alleged breaches of international humanitarian law by the Saudi-led coalition in Yemen, specifically on the following dates:

*4 January to Question 15523
12 February to Question 24770
15 February to Questions 24769
8 June in the HC Deb, col WH138
22 March in the HC Deb, col WH518*

b) If such advice was provided, please explain by whom, and on what date the advice was received.

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

As stated in the Written Ministerial Statement HCWS125 it became clear that the drafting of answers to four written questions and two responses given in debates relating to allegations of breaches of International Humanitarian Law did not accurately reflect the position as set out in numerous other written questions and debates on this topic. In view of ongoing litigation on related issues the Government Legal Department were consulted on 4, 6, 19 and 20 July and Counsel were consulted on 4, 7 and 20 July.

Some information has been withheld using the following exemption Section 40.

Some of the information you have requested, is personal data including relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (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, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

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Yours sincerely,

Arabian Peninsula and Iran Department



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