



Foreign &  
Commonwealth  
Office

**South America Department**  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH

Website: <https://www.gov.uk>

11 February 2016

Dear

**FREEDOM OF INFORMATION ACT 2000 – REQUEST REF: 1099-15**

Thank you for your request for information which we received on 14 November 2015. In your request you asked for:

*\*Copies of emails between the Embassy/Ambassador and the FCO/BBC/Top Gear production team from when Top Gear first contacted the Embassy in early August*

*\*Copies of emails between the Embassy/Ambassador and the FCO/BBC/Top Gear team as it tried to recover the three vehicles abandoned near the border with Chile*

*\*Copies of emails between the Ambassador/Embassy and the FCO/BBC/Top Gear team as the production team went to BsAs prior to flying out as referenced in the previous FOI*

*\*I also request the disclosure of the Embassy's press lines as referred to in the email.*

I am writing to confirm that we have now completed the search for the information which you requested and 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.

Some of the information we hold which is relevant to your request is, in our view, already reasonably accessible to you. Therefore, 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 the applicant. Information referring to your request can be found under the FOI releases section on [gov.uk](http://gov.uk), FOI reference [0458-15](#).

Additionally, 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 (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.

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 sensitive internal communications could harm our relations with Argentina.

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 our relations with Argentina. 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 Argentine Government could potentially damage the bilateral relationship between the UK and Argentina. This would reduce the UK government's ability to protect and promote UK interests through its relations with Argentina, 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.

Some information has been redacted from the released documents under section 43(2) of the Act as its disclosure would or would be likely to prejudice the commercial interests of any person. This exemption requires the application of a public interest test.

The use of this exemption was carefully considered. The factors in favour of disclosure of this information including the general public interest and greater transparency and accountability, were carefully weighed against the general need to allow business-people and commercial organisations the space to conduct their lawful business competitively and without fear of disclosure of sensitive commercial information. In this case after such consideration we believe that the public interest in withholding the limited amount of information which has been redacted, outweighs the public interest in its release.

Further to this, the FCO can neither confirm nor deny whether it holds any additional information that would meet the terms of your request, in reliance on the exemptions in sections 43(2) and (3) of the Freedom of Information Act 2000. To the extent that section 43(3) applies, the department has determined that in all the 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.

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

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Yours sincerely,

South America Department



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