



Foreign &  
Commonwealth  
Office

**Knowledge Management Department**  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH

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

19 March 2015

**FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0209-15**

Thank you for your email of 24 February 2015 asking for information under the Freedom of Information Act (FOIA) 2000.”

You asked:

*Under the Freedom of Information Act I would like to ask for the information relating to fees or costs incurred to the Foreign & Commonwealth Office in court cases and Information Rights Tribunals, where either the FOI requester or Home Office have appealed against the Information Commissioner’s decision.*

*I seek information from 1 January 2012 to the time this request is answered. I would like the information in a spreadsheet electronic format.*

*Specifically, I need:*

*1. Cases where the Foreign & Commonwealth Office or the requester has appealed against the Information Commissioner’s decision notice.*

*-Please specify who appealed in the data.*

*-Please specify the judicial process the case went through; information rights tribunal and courts*

*2. The costs incurred to the Foreign & Commonwealth Office for each case (please breakdown by type of cost)*

*3. The number of solicitors/consultants/barristers per case*

*4. In cases, where the Treasury Solicitor’s Department lawyers weren’t representing the Foreign & Commonwealth Office, please specify from which firm lawyers were hired on a consultant basis. Also how much they were paid for each case.*

In your e-mail of 25 February you clarified the information you are seeking is relating to the FCO.

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

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

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.

1. Cases where the Foreign & Commonwealth Office or the requester has appealed against the Information Commissioner's decision notice.

You should search for cases involving *Foreign and Commonwealth Office*.

Some of the information relevant to your request can be found at First Tier Tribunal website via the following link: <http://www.informationtribunal.gov.uk/Public/search.aspx>

-Please specify who appealed in the data.

Some of the information relevant to your request can be found at First Tier Tribunal website via the following link: <http://www.informationtribunal.gov.uk/Public/search.aspx>

-Please specify the judicial process the case went through; information rights tribunal and courts

Information rights cases were originally heard at the Information Tribunal. Cases heard there can be found on the First tier Tribunal website. Following a restructuring of the Tribunals, most of the FCO cases have been heard at the First tier Tribunal, although a small amount went to the Upper Tribunal. Information on cases heard at Upper Tribunal can be found via the following link: <https://www.gov.uk/administrative-appeals-tribunal>

2. The costs incurred to the Foreign & Commonwealth Office for each case (please breakdown by type of cost)

Section 12 of the Freedom of Information Act makes provision 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 3 ½ 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 3 ½ working days to locate, retrieve and extract this information. In these circumstances we are not obliged under the Act to comply with your request. You may therefore wish to refine your request to narrow its scope to bring it within the appropriate limit.

Normally under section 16 of the Act we would be obliged to advise you to refine your request to narrow its scope to bring it within the appropriate limit. However, in this case we cannot advise you how to narrow your request.

3. The number of solicitors/consultants/barristers per case

Section 12 of the Freedom of Information Act makes provision 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

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Normally under section 16 of the Act we would be obliged to advise you to refine your request to narrow its scope to bring it within the appropriate limit. However, in this case we cannot advise you how to narrow your request.

4. In cases, where the Treasury Solicitor's Department lawyers weren't representing the Foreign & Commonwealth Office, please specify from which firm lawyers were hired on a consultant basis. Also how much they were paid for each case.

When the FCO is involved in freedom of information litigation, it instructs the Government's litigators; the Treasury Solicitors. They in turn will instruct counsel as and when they are needed. The FCO has not instructed any other firm of solicitors during the course of FOIA litigation.

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,

Knowledge Management Department



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