



Foreign &  
Commonwealth  
Office

EU-Mediterranean Department  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH

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

26 October 2016

Dear

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0578-16**

Thank you for your email of 13 June 2016 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*I would be grateful if you can confirm there is an inquiry to establish the source of the leak. I'd be most assured if you can let me know the circulation list of the diptels from the Ankara mission before the EU referendum campaign and the current one. The latter should be much tighter.*

*The Ankara mission is the one I am most concerned about because their advice includes that about the situation for refugees. Another situation where local politicians in my area are just prone to lying. Our diplomatic assets in Turkey are crucial.*

*I've shared this article from The Sunday Times for you to read for yourself. To press the point, I wish to make a freedom of information request for the papers mentioned in this article. I want to invite you to use the section 36 exemption.*

The Foreign Office has reviewed the information it holds falling within the terms of your request carefully and in the context of the Freedom of Information Act (2000). I am now able to provide the enclosed digest of the information you sought.

**Section 27(1)(a)**

Some of the information falling within the terms of your request is exempt under section 27(1)(a) which recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states if it was disclosed. For this reason elements of the diplomatic telegrams you sought have been redacted (ie withheld).

The application of section 27(1)(a) requires us to consider the public interest test arguments in favour of releasing and withholding the information. 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 UK interests through international relations will be hampered, which will not be in the public interest. For this reason we consider that the public interest in maintaining this exemption, in relation to elements of these reports, outweighs the public interest in disclosure of the information.

### **Section 35(1)(a)**

Some of the information you requested is exempt under section 35(1)(a), which relates to the formulation or development of government policy. This exemption also requires the application of a public interest test. This recognises the public interest in greater transparency of public authority decision making to ensure accountability. However, officials also need to be able to conduct rigorous and candid risk assessments of policies without there being premature disclosure which might close off better options and inhibit the free and frank discussion of all options. It is our view that disclosure of some of the information falling within the terms of your request would risk undermining future decision making and discussion. For these reasons we consider that the public interest in maintaining this exemption, in relation to elements of these reports, outweighs the public interest in disclosure of the information.

### **Section 40**

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

In relation to your wider queries and the circulation of telegrams from our Embassy in Ankara, I should clarify that there is no standard circulation list for telegrams. 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,

EU-Mediterranean Department



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