



Foreign &  
Commonwealth  
Office

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Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH

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

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 1056-14**

Thank you for your email of 20 November asking for information under the Freedom of Information Act (FOIA) 2000, to which I sent interim replies on 5 December, 15 January, 12 February and 12 March. I am writing to confirm that we have now completed the search for the information which you requested. You asked:

*This is a request for information under the Freedom of Information Act. I would like to know the following information:*

- 1. In the 2011 military intervention in Libya, I would like to know Britain's policy in securing Gaddafi's arsenals and weapons stockpiles.*
- 2. I would also like to request communications, including reports, policy papers and press clippings, relating to Britain's policy in securing Gaddafi's arsenals and weapons stockpiles in 2011.*
- 3. I would also like to know how much Britain has spent in helping to secure the stockpiles of weaponry in Libya which were left over from the 2011 revolution.*

*I would like to receive the information in an electronic format. If you feel that a substantive response to this request is not possible within a reasonable time frame, or the request is too broad or too vague, I would be grateful if you could contact me and provide assistance as to how I could refine the request.*

I 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.

A statement by the Prime Minister to Parliament on 05 September 2011 on our policy on Libya can be found at:

<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110905/debtext/110905-0001.htm>

A Parliamentary question and answer on the steps the Government has taken to help secure the stockpiles of weaponry in Libya left over from the 2011 revolution can be found at:

<http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140908/text/140908w0003.htm>

Press clippings which are relevant to your request are not provided as these are already reasonably accessible to you, as described under section 21 of the FOIA.

#### Section 27(1)(a), (2) and (3): international relations

We have decided to withhold some information under Section 27. This recognises the need to protect information that is likely to prejudice relations between the UK and other States and international organisations if disclosed. We acknowledge that releasing information increases public knowledge about our relations with Libya and other countries and international organisations. We also accepted that there is a public interest in matters relating to the UK's policy on weapons stockpiles in Libya in 2011. However, Section 27 recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. If the UK does not maintain this trust and confidence, its ability to protect and promote UK interests through international relations will be hampered. Some of the information relates to discussions and correspondence with representatives of the Libyan authorities, other States and international organisations. The relationship of trust between States allows for the free and frank exchange of information on the understanding that it will be treated in confidence. We consider that this information was obtained either with an explicit or implicit expectation that it would be held in confidence. If the UK does not respect such confidences, its ability to protect and promote the UK's interests through its international relations will be prejudiced. States and international organisations may be reluctant to share sensitive information with the UK Government in future and may be less likely to respect the confidentiality of information supplied by the UK Government, to the detriment of the UK's interests. This would reduce the UK Government's ability to protect and promote its interests, which again would not be in the public interest. We judge that releasing the information could cause damage to the UK's developing relationship with the Libyan Government and to the UK's relationship with other governments and international organisations. For those reasons, we conclude that the material should be withheld.

#### Section 35(1)(a): formulation of government policy

We have decided to withhold some information under Section 35 of the Act which also requires the application of a public interest test. It is recognised that there is public interest in the greater transparency in the decision making process to ensure accountability within public authorities. However officials need to be able to conduct rigorous and candid risk assessments of their policies and programmes including consideration of the pros and cons without there being a risk of premature disclosure which might close off better options and

inhibit the free and frank discussion of all policy options. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

#### Section 36(2)(c): conduct of public affairs

Some of the information within the scope of your request is exempt under Section 36(2)(c). Disclosure of this information would be likely to make officials more circumspect about seeking advice. The disclosure of information in this case could therefore inhibit the candour of future exchanges of views within government. We recognise that there is a general public interest in ensuring that transparency of decision making. However, the Act recognises the strong public interest in protecting the space that Ministers, advisers and officials have to consider and discuss options to ensure that policy is given full and proper consideration. This process is likely to be affected by advisers' and officials' assessment of whether the content of such discussion will be disclosed in the relatively near future. Reluctance on their part to give or seek advice, or to feel able to engage in candid exchanges of views, would result in less informed and therefore less effective decision making. For these reasons, we consider that the public interest in maintaining this exemption outweighs the arguments in favour of disclosure.

#### Section 38(1)(a) and (b): health and safety

We have withheld some information under Section 38. If disclosed, some of the information would endanger the physical health and safety of individuals, and has therefore been withheld under Section 38(1)(a) and (b). In applying the public interest test, we took into consideration the factors in favour of disclosure; in this case, that releasing such information would demonstrate openness. However, release of this information could seriously endanger the health and safety of a specific individual or individuals. We do not want to jeopardise anybody's safety either now or in the future. For these reasons, we therefore judge that the public interest in withholding this information outweighs the public interest in disclosure.

#### Section 40(2) and (3): personal Information

Some of the information you have requested is third party personal data, the disclosure of which would contravene one of the data protection principles. Personal data is defined by the DPA as any information relating to a living and identifiable individual. In such circumstances sections 40(2) and (3) of the FOI 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 41(1): information provided in confidence

We have decided to withhold some information under Section 41. The information in question refers to in confidence discussions with representatives of non-governmental organisations or individuals providing views on specific issues in Libya. We judge that disclosure of the information would constitute a breach of confidence and potentially an infringement of the confider's privacy. There is also a risk that disclosure would result in the confider suffering a detriment and in similar contacts being less prepared to share

information with the UK in future. We therefore judge that there is no overwhelming common law public interest, which would allow us to defend a breach of confidence action.

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 23(5) and 24(2) of the Freedom of Information Act 2000. To the extent that section 24(2) applies, the department has determined that in all circumstances of the case, the public interest in maintaining exclusion of the duty to confirm or deny outweighs the public interest in confirming whether or not the information is held, and to give a statement of the reasons why the exception applies would involve the disclosure of exempt information. Therefore, under section 17(4) of the Act, the FCO is not obliged to give such a statement. However, this should not be taken as necessarily indicating that any further information that would meet your request exists or does not exist.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

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Yours sincerely,

Libya Team  
North Africa Department



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