



Foreign &
Commonwealth
Office

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12 January 2015

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0871-14

Thank you for your email of 10 September asking for information under the Freedom of Information Act (FOIA) 2000. You asked for:

- *All emails between officials, Ministers and third parties (Israeli Government/ Ambassador, etc.) in relation to the withdrawal of British observation soldiers from the Palestinian Authority run prison in Jericho in March 2006;*
- *All advice provided to Ministers and senior officials regarding the withdrawal of British observation soldiers from the Palestinian Authority run prison in Jericho in March 2006, including where possible legal advice;*
- *All records of meetings (including diary schedules and notes) between officials, Ministers and third parties (Israeli Government officials, Ministers, the PA) between November 2005 and July 2006, where the issue of the withdrawal of British observation soldiers from the Palestinian Authority run prison in Jericho was discussed; and*
- *All letters sent from Ministers and officials to the PA and Israeli Government regarding the withdrawal of British observation soldiers from the Palestinian Authority run prison in Jericho.*

I appreciate that the information I am requesting may fall within Department's record retention schedules, and therefore have been destroyed. If this is the case, and given the sensitivities of the issue, I would ask for the memo and any corresponding emails, etc. which agreed to their destruction as per record retention guidelines.

I am writing to confirm that we have now completed the search for the information which you requested. Some of the information you requested is being withheld as it falls under sections 27 and 40 of the Freedom of Information Act (FOIA). I have provided the documents we can release as a separate attachment.

Some of the information you have requested has been withheld under Section 27 (1) (a) and (b). Section 27 exists to protect the UK's relations between the UK and any other state, s27(1) (a), and relations between the United Kingdom and any international organisation or international court, s27(1)(b).

In applying this exemption, we have had to consider the public interest test arguments in favour of releasing and withholding the information. Factors in favour of disclosure include the strong public interest in transparency and accountability. We also acknowledge that releasing information on this issue would increase public knowledge about our bilateral relationship with a number of countries.

However, weighed against this is the need to maintain trust and confidence between the Governments to ensure the effective conduct of international relations. This relationship of

trust allows for a free and frank exchange of information on the understanding that it will be treated in confidence. If the United Kingdom does not maintain this trust and confidence, its ability to protect and promote UK interest through international relations will be hampered. Other States may be reluctant to share sensitive information with the UK Government in the future and may be less likely to respect the confidentiality of information supplied by the UK Government to them, to the detriment of UK interests. In this way, we judge that our ability to work effectively with other States would be hindered if we were to release the information. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

Some of the information you have requested is however, 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 s40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

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,

Near East Department

