



Foreign &
Commonwealth
Office

North America Department
Foreign and Commonwealth Office
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15 May 2015

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0286-15

Thank you for your email of 17 March 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked for:

The text of the 1997 Memorandum of Understanding between the United Kingdom and Canada about HMS Erebus and HMS Terror, and communications between the Canadian authorities and the Foreign Office since January 2014 about HMS Erebus and/or HMS Terror.

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

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

I have attached a scanned copy of the Memorandum of Understanding and the e-mails, which we have collated in a separate document.

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.

We also considered some of the information under section 27 – international relations, which is a qualified exemption. We can confirm that we have carried out a public interest test and

on balance we have concluded that the public interest in disclosing the information outweighs the public interest in maintaining this exemption.

There were a few automated e-mails the FCO received from the Canadian Prime Minister's press release subscription service, via his website: <http://www.pm.gc.ca/>.

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. The links relating to these documents are as follows:

- <http://pm.gc.ca/eng/news/2014/10/01/history-1845-franklin-expedition-and-his-lost-ships-her-majestys-ship-erebus-and-her>
- <http://pm.gc.ca/eng/news/2014/10/01/pm-announces-hms-erebus-discovered-franklin-expedition-ship>
- <http://www.pm.gc.ca/eng/news/2014/09/09/statement-prime-minister-canada-announcing-discovery-one-ill-fated-franklin>

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

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Yours Sincerely

North America Department

