



Foreign &  
Commonwealth  
Office

**South Asia Department**  
Foreign and Commonwealth Office  
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10 March 2016

## **FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 1193-15**

Thank you for your email of 14 December 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*I am requesting information held by your department from the years of 1990, 1991, 1992 and 1993 covering 'the Killing of Rajiv Gandhi' and also about the connection between Indian Intelligence Agency and British Forces during that era.*

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. Please find attached the information that the FCO can release to you with respect to the material from 1991-1993.

Some of the information within the scope of your request is exempt under Section 27(1)(a). Section 27(1)(a) of the FOIA recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states if it was disclosed. In this case, the release of information relating to immigration matters could harm our relations with India.

The application of s.27(1)(a) requires us to consider the public interest test arguments in favour of releasing and withholding the information. We acknowledge that releasing information on this issue would increase public knowledge about our relations with India. However, s.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. The disclosure of information detailing our relationship with the Indian government could

potentially damage the bilateral relationship between the UK and India. This would reduce the UK government's ability to protect and promote UK interests through its relations with India, which would not be in the public interest. For these reasons we consider that, the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Furthermore, some of the information you request is exempt under Section 35(1)(a) 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 considerations of 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.

Additionally, 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 FOIA 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.

With respect to the material from 1990, further to my letter of 11 February, we estimate that it will take an additional 10 days to take a decision on where the balance of the public interest lies. Therefore, we plan to let you have a response by 24 March.

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,

South Asia Department



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