



Foreign &  
Commonwealth  
Office

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Foreign and Commonwealth Office  
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10 September 2015

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0754-15**

Thank you for your email of 28 July 2015 asking for information under the Freedom of Information Act (FOIA) 2000. In your request you asked for:

*“Work which has been done by the Foreign Office to make the case for a revised Evidence Act in Bangladesh which would permit the use of forensic science-type evidence such as fingerprints in court.”*

I am writing to confirm that we have now completed the search for the information which you requested. The Foreign and Commonwealth Office (FCO) does hold information relevant to your request, a digest of the information that the FCO can release is attached.

Some of the information has been withheld using sections 27 (1) (a) and (b) – international relations; 35 (1) (a) – the formulation or development of government policy; and, 40 (2) and (3) - personal information. The public interest test has been applied to the information withheld under sections 27 (1) (a) and (b) and section 35 (1) (a).

Section 27 (1) (a) and (b) of the FOIA recognises the need to protect information that would be likely to prejudice relations between the United Kingdom and other states or international organisations if it was disclosed. In this case, the release of information relating to Bangladesh’s Evidence Act could harm our relations with the governments of Bangladesh and United States of America and international organisation the United Nations.

The application of section 27 (1) 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 the Bangladesh and USA governments and the United Nations. However, section 27 (1) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments and international organisations (in this case Bangladesh, the USA and UN). This relationship of trust allows for the 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 interests through international relations with the Bangladesh and US governments and the UN will be hampered, which will 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 the information covered by section 27 (1)(a) and (b).

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 requires the application of a public interest test. It is recognised that there is a 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 the pros and cons without there being premature disclosure which might close off better options and inhibit the free and frank discussion of all policy options. It is our view that disclosure of this information would mean that we would risk undermining future decision making and discussion on justice reform in Bangladesh in future. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosure of the information.

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.

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



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.

Digest of information for FOI Ref 0754-15

Email from BHC Dhaka dated 16 January 2011

Note of meeting on 10/01/11

### **SRR Meeting: 10/01/11**

#### Legal Process

1. **[redacted]** had circulated all the necessary documents on the Evidence Act. Progress was already being made on the amendments, which were now back with the MHA following an initial consultation exercise. **[redacted]**. We agreed that the we should take this advice – unless we had reason to believe that the amendments would not provide us with enough scope for the required reforms. On the surface we had no such concerns, but we agreed to run the amendments by Home Office experts (action **[redacted]**) and the MPS, via the CTELO (action **[redacted]**) for some additional advice just in case. We also agreed to check that the language in the amendments mirrored the language used in the CT Act (action **[redacted]** to get hold of final version of CT Act. **[redacted]** to cross reference)
2. The next steps in the legislative process were not entirely clear. We believed that the MHA would now send the suggested amendments to the Ministry of Law, who would run their own consultation exercise (with an emphasis on legal drafting) before the amendments would be presented to Parliament as a Bill. We were unsure how long this process would take. For the Bill were to be passed this year it would probably need to be read in the current parliamentary session – which there were rumours would be suspended for the duration of the cricket world cup. This could push all substantive parliamentary business into next year (the first session of the year being the only one long enough for all of the necessary readings etc). We agreed that we needed to gather more information on the timeframes and legal process (action **[redacted]** and **[redacted]** to commission research from **[redacted]** and **[redacted]**. **[redacted]** to ensure the questions regarding MHA timeframes were raised in the **[redacted]** meeting with the Home Secretary – see below.)

#### Influencing Activity/Sequencing

3. We agreed that it would not be in our interests to overtly lobby on revision of the Evidence Act at this stage. The process was progressing well under its own steam and **[redacted]**. But we agreed to **[redacted]** and use this as an opportunity to **[redacted]**.
4. There was the possibility of a meeting between UK and Bangladeshi PMs in late January. We agreed that this would be too soon to raise the **[redacted]**. The visit of Alistair Burt in late Feb could present a useful opportunity, but might also be a little too soon. Better to wait for the Bill to be tabled before we **[redacted]**.

#### UNDP/International Partners

5. **[Redacted]**. We agreed that if we did want to feed in any additional comments on the amendments paper we should do this via the PRP.
6. **[Redacted]**.

#### CT Ordinance

7. **[redacted]** had discussed the CT Act with CT partners – none of whom were aware of this legislation or empowered to use. We agreed to continue to focus on the Evidence Act for now, **[redacted]**.