



Foreign &
Commonwealth
Office

Consular Directorate
Foreign and Commonwealth Office
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Website: <https://www.gov.uk>

15 July 2016

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0626-16

Thank you for your or email of 28 June 2016 asking for information under the Freedom of Information Act (FOIA).

You wrote:

- 1) ***‘Can you tell me how many times the FCO wrote to the Government of Peru over Scottish prisoner Melissa Reid, between 2013 and 2016?’***
- 2) ***Can you also please outline what, if any Government Ministers/senior civil servants/departments have been involved in this process?***

We have completed our search and I can confirm that the FCO does hold some information relating to your request.

Disclosure

In answer to your first question we can confirm that the FCO wrote to the Government of Peru on two occasions between 2013 and 2016 during the detention of Melissa Reid.

In answer to your second question the following organisations and senior officials were involved in the consular assistance provided to Miss Reid:

- Scottish Prison Service
- Minister of Justice, Peru
- HM Ambassador to Peru
- FCO Minister Swire
- Ministry of Foreign Affairs, Peru
- Jo Swinson, MP

Withheld Information and Exemptions Applied

We have withheld some of the information you have requested in your second question which relates to:-

- Personal Information
- International relations

Personal Data Section 40

It is our view that disclosure of this information would breach the first data protection principle, which states that personal data should be processed fairly and lawfully. Section 40(2) and (3) of the Freedom of Information Act therefore apply. It is the fairness aspect of this principle which we believe would be breached by disclosure in this case. In such circumstances section 40 confers an absolute exemption on disclosure. We do not therefore have to apply the public interest test.

International Relations Section 27

Section 27(1) (c) is also cited as release of the information you have sought would be likely to prejudice the interests of the United Kingdom abroad.

Section 27(1) (c) is a qualified exemption and, as such, we have considered where the greater public interest lies. Disclosure could meet the public interest in transparency and accountability. However, 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 could potentially damage the relationship between the UK and Peru. This could reduce the UK government's ability to protect and promote UK interests 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 disclosure.

Relations within the UK Section 28

The FCO has to strike a balance between being able to give free and frank advice to Ministers and senior officials in London, while maintaining a good working relationship with the Scottish Executive to promote their interests. Section 28(1)(2)(b) is a qualified exemption as such, we have considered where the greater public interest lies. Disclosure could meet the public interest in transparency and accountability. However, the effective conduct of internal UK 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 internal relations will be hampered, which will not be in the public interest. The disclosure of information could potentially damage the relationship between the UK and the Scottish Administration which is not in the public interest. For these reasons we consider that the public interest in maintaining this exemption outweighs the public interest in disclosure.

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If you have any queries about this letter, please contact me. Please remember to quote the reference number noted above in any future communications.

Yours sincerely,

Deputy Head of Customer Interaction Team
Consular Directorate



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