



Foreign &  
Commonwealth  
Office

**Eastern Europe and Central Asia  
Directorate**  
Foreign and Commonwealth Office  
King Charles Street  
London  
SW1A 2AH

Website: [www.gov.uk](http://www.gov.uk)

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**FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0010-14**

Thank you for your email of 5 January 2014 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*Could you please supply me with all FCO documents and correspondence dated over the past 5 years which offers news, views, analysis of and other material references to Vladimir Bukovsky and his activities.*

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

I can confirm that the FCO does hold information relevant to your request, attached with this letter.

As set out below, some of the information within the scope of your request is exempt under Section 40 (2) and (3) – personal information, Section 37 – communications with Her Majesty and honours and Section 42 – legal professional privilege.

The information you have requested is personal information on a third party, namely Mr Bukovsky. It is our view that disclosing any of this information which is not already in the public domain would breach the first data protection principle, which states that personal data should be processed fairly and lawfully, were it to be disclosed. In our judgement, disclosing this personal information on Mr Bukovsky would breach the fairness principle, in light of the fact that individuals have the right to expect us to handle their personal information in line with their right to privacy. Section 40(2) of the FOIA therefore applies. In such circumstances section 40(2) and (3) confers an absolute exemption on disclosure. We do not therefore have to apply the public interest test.

Further, some of the information you requested is being withheld because it is exempt under section 37(1) (b) - conferring by the Crown of any honour or dignity. Consideration has been given to whether it would be in the public interest to release those parts of the information we hold which are not covered by the absolute exemption provided for third party personal information (section 40(2)) but which are covered by section 37(1)(b). It is in the public interest to ensure that the award of honours and dignities is accountable and transparent. It is also, however, in the public interest to maintain the integrity of the honours system. Non-disclosure of information relating to individual nominations ensures that those invited to offer

information about a candidate can continue to do so freely and honestly, in confidence, on the understanding that their confidence will be honoured. It also ensure that decisions about honours continue to be taken on the basis of full and honest information about the person concerned and their achievements; and that those who sit on honours assessment panels can carry out their work free from pressure for, or on behalf of, potential or actual candidates. We have decided that the public interest in maintaining the exclusion outweighs the public interest in disclosing the information.

Finally, some of the information you requested is being withheld because it is exempt under section 42(1). This section of the Act recognises the validity of withholding information that is subject to Legal Professional Privilege (LPP), which exists in order to encourage clients to be frank and open with their legal adviser. The process of providing legal advice relies for its effectiveness on each side being open and candid with the other. Such candour is ensured by the operation of LPP. For this reason, I consider that the public interest in maintaining LPP under section 42(1) outweighs the arguments for disclosure.

The FCO can neither confirm nor deny whether the information disclosed represents all the information held that would meet the terms of your request, as the duty to comply with section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of sections 23 (5) and 24(2). To the extent that section 24(2) applies, the FCO has determined that in all circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether or not the information is held, and to give a statement of the reasons why the exemption applies would itself involve the disclosure of exempt information. Therefore under section 17(4) of the Act the FCO is not obliged to give such a statement.

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.

Yours sincerely,

Russia Desk Officer  
Eastern Europe and Central Asia Directorate