



Foreign &  
Commonwealth  
Office

**FOI and DPA Team**  
Foreign and Commonwealth Office  
King Charles Street  
London  
SW1A 2AH

Email: [FOI-DPA.IMD@fco.gov.uk](mailto:FOI-DPA.IMD@fco.gov.uk)

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**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0447-17**

Thank you for your email dated 02 May 2017 asking for information under the Freedom of Information Act (FOIA) 2000. You asked for:

1. *Confirm what definition is used for operational purpose by the FCO that defines the term "The premises" covered by the Vienna Convention on Diplomatic Relations 1961 under article 22 section 1, or updates to this convention.*
2. *Clearly define on a map, "The premises" area of the British Embassy in Muscat, Oman as defined and deemed in article 22 section 1 covered by the Vienna Convention 1961.*
3. *Confirm if the main car park of the Embassy in Oman is covered by the Vienna Convention on Diplomatic Relations 1961 under article 22 section 1, or updates to this convention.*
4. *Confirm the number cases/incidents were the receiving state (Oman) under article 22 section 2 has had to take action to protect the premises of the mission in the last 2 years to date of this FOI request.  
(Details of incidents not required unless reported by FCO in public domain, please send links to the published articles).*
5. *Confirm if the receiving state (Oman) under article 22 section 2 has entered the car park area of the embassy, in the last year to date of this FOI request, for any purpose at the request of the embassy or not to carry out their duties under article 22 section 2 of the Vienna Convention on Diplomatic Relations 1961.*

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.

The answers to your questions are set out below.

Q1. As per Article 1(j) of the Vienna Convention on Diplomatic Relations, we define the "premises of the mission" as the buildings or parts of buildings and any additional land, irrespective of ownership, used for the purposes of the mission.

Q2. We are withholding more detailed information relating to our premises under section 24 (1) (National Security) and section 38(1)(b) (Health and Safety) of the FOIA. Both are qualified exemptions, which require the application of a public interest test.

We acknowledge the public interest in openness and transparency regarding our missions overseas, but there is also a strong public interest in protecting national security. We consider that disclosure of the details concerned could compromise the security of the Mission and thus the UK's national security more widely. We have therefore concluded that the public interest in withholding the material outweighs the interest in release.

We also consider that releasing this information would be likely to endanger the safety of individuals working at the mission. Again, we acknowledge the public interest in openness and transparency. However the FCO has a clear duty of care towards its employees and we have again concluded that, in this case, the public interest is best served by withholding the information.

Q3. As mentioned in question 1, as the car park is used for the purposes of the Mission and is within the boundary of the Mission, we can confirm it does fall within Article 1(j) and Article 22(1) the Vienna Convention on Diplomatic Relations.

Q4. The FCO can neither confirm nor deny whether it does or does not hold information that would meet your request, as the duty in section 1(1)(a) of the Freedom of Information Act 2000 does not apply to certain information by virtue of section 24(2) of the Act.

To the extent that section 24(2) of the Act applies, we have determined that in all the 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 the FCO holds the information, and that to give a statement of the reasons for this would involve the disclosure of information which would itself be exempt information. However, this should not be taken as evidence that any further information that would meet your request exists or does not exist.

Q5. Government and state officials from Oman are often invited to the British Embassy as part of the normal diplomatic business between the two states. Not of all these occasions are recorded.

Yours sincerely,

Knowledge Management Department

