



Foreign &  
Commonwealth  
Office

**Near East Department**

Foreign and Commonwealth Office  
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London SW1A 2AH

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3 November 2016

**FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0736-16**

I refer to your email of 04 August asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

*1 A submission went to the Secretary of State (Jack Straw) in February 2005, I believe on February 15, the title of which was Proscription of Hamas and Hizbollah (or similar wording).*

*2. I would like to see any papers, minutes or other documents which relate to discussions which took place in the immediate aftermath of Hamas's victory in the January 2006 Palestinian Legislative Council elections, ie between the results becoming known on or around January 26, and the Middle East Quartet meeting on January 30 (2006)*

On part one of your request, I can confirm that the Foreign and Commonwealth Office does hold information which falls within the terms of your request. However, the information you have requested 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.

On part two of your request, I can confirm that the Foreign and Commonwealth Office (FCO) does hold information falling within the terms of your request and I apologise that the process of considering all of the relevant information within the scope of your request has taken so long.

We here attach the correspondence relevant to your request which is available for public consumption.

We are withholding some information under Section 27 – International Relations. 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. 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 that could potentially damage bilateral relationships with other governments would 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 disclosing it.

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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, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Yours sincerely,

Near East 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.