



Foreign & Commonwealth Office

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

02 February 2017

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0044-17

Thank you for your email of 9 January 2017 asking for information under the Freedom of Information Act (FOIA).

You wrote:

"I wish to obtain copies of relevant documents held by the Foreign and Commonwealth Office, including the UK High Commission in Kampala, relating to:

1) the arrest, detention, trial, release and consular assistance provided to any UK nationals arrested in Uganda between 1 July 2014 and 1 July 2015.

2) The commercial activities of UK nationals engaged in the defence or security industry in Uganda -- including any legal, political or commercial assistance provided to such individuals or companies.

Relevant documents may include minutes, submissions, briefing notes, written statements, correspondence (electronic or otherwise) and/or any other relevant information.

In order to constrain the scope of this request and to keep it within cost limits, I would be grateful to receive copies of any documents generated between 1 July 2014 and 1 July 2015"

Refinement

Our colleagues emailed you on 12 January 2017 suggesting a refinement. This was because your request, as originally framed, was too wide and was also likely to attract Section 40 of the FOIA (third party Information).

You submitted a refinement on the same day and wrote:

"In that case, in order to constrain the scope of the request and avoid engaging Section 40, could I confine the request to:

(1)Copies of relevant documents held by the Foreign and Commonwealth Office, including the UK High Commission in Kampala, relating to: 1) the arrest, detention, trial, release and consular assistance provided between 1 October 2014 and 1 July 2015 to personnel of Hercules Support Ltd? (I understand that the names and personal details of these personnel may be withheld under S.40)

2) The commercial activities of Hercules Support Ltd -- including any legal, political or commercial assistance provided to this company.

Relevant documents may include minutes, submissions, briefing notes, written statements, correspondence (electronic or otherwise) and/or any other relevant information”.

Outcome of Search and Disclosure

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

Q1

We have decided to withhold information relevant to Q1 as this relates to personal third party consular information to which you are not entitled. In this case, it is our assessment that redacting names and personal details would not be sufficient as any information held could enable you to identify a third party that any relevant personal data might belong to.

Q2

I attach with this letter all information held in relation to your Q2; we have respected the confidentiality of third parties by withholding information relating to them as appropriate, as releasing this information would constitute a breach of the Data Protection Act 1998

Withheld Information

Personal Information Section 40

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.

