



Foreign &
Commonwealth
Office

International Organisations Department
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

16 May 2017

Website: <https://www.gov.uk>

Dear

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0275-17

Thank you for your email of 16 March 2017 asking for information under the Freedom of Information Act (FOIA) 2000. In your request, entitled "Vojislav Seselj Acquittal", you stated:

I wish to see copies of all documents held by the FCO that mention and refer to Vojislav Seselj between the dates of 27 March 2016 and 28 April 2016.

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.

Please find attached the information that the FCO can release to you. Some of the information has been withheld using Section 21 (information available through other means), Section 27 (international relations), Section 35 (formulation or development government policy) and Section 40 (personal information).

Section 21

Under Section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to the applicant. Some of the information we hold which is relevant to your request is publically accessible and is not included in this return. Where available, links to this material are provided with the return.

Section 27

Section 27(1) of the FOIA recognises the need to protect information that, if disclosed, would be likely to prejudice relations between the United Kingdom and other states, the United Kingdom and international organisations/courts, or the United Kingdom's interests abroad. Meanwhile, s.27(2) of the FOIA exempts information if it is confidential information obtained

from another state or international organisation/court. These Sections apply to some of the documents within the scope of your enquiry.

The application of s.27 requires us to consider the public interest test arguments in favour of releasing and withholding the information. We acknowledge that releasing information in question would increase public knowledge about our assessment of regional relationships and our analysis of the International Criminal Court for the Former Yugoslavia's (ICTY) judgment in this case. However, s.27 recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments and international organisations. 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 detailing our analysis of regional relationships could potentially damage the bilateral relationship between the UK and regional states as well as the UK's interest in not undermining relationships between those states. In addition, the relationship of trust the UK enjoys with the ICTY allows the free and frank exchange of information on the understanding that it will be treated in confidence. If the UK does not respect such confidences, its ability to protect and promote UK interest through international relations will be prejudiced. For these reasons we consider that, the public interest in maintaining these exemptions outweighs the public interest in disclosing them.

Section 35

Some of the information you 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.

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 FOIA 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

International Organisations 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.