



Foreign & Commonwealth Office

11 October 2016

Consular Directorate
WH4.36
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

www.gov.uk/government/organisations

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0872-16

Thank you for your email of 14 September asking for information under the Freedom of Information Act (FOIA) 2000. You asked for the following information:

"I would like to make a request for information under Section 1 of the Freedom of Information Act 2000. I would be grateful if you could provide the following information.

- 1) The number of female UK nationals who have complained that they have been subjected to torture or mistreatment whilst being detained in police stations or prisons within the United Arab Emirates, within the last five years.***
- 2) The number of female UK nationals who have complained that they have been prevented from having access to a defence lawyer whilst detained in police stations or prisons within the United Arab Emirates, within the last five years.***
- 3) The number of female UK nationals who have complained that they have not received a fair trial when being prosecuted within the United Arab Emirates, within the last five years.***

Please note that I do not seek disclosure of any personal information regarding the individuals identified in the above requests"

Outcome of Search

I am writing to confirm that we have now completed our search and that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

Disclosure

We record formal allegations of torture and mistreatment made by British nationals detained in the United Arab Emirates (UAE). The FCO Consular Directorate is aware of allegations

made by 28 British nationals of torture and mistreatment in UAE prisons, police stations or detention centres between September 2011 and the date of your question. In some of these cases a formal complaint to the Emirati authorities was not made as the detainee did not want to take it further. We cannot provide a breakdown of this figure by gender as the figure for women is less than 6 and we are not obliged under the Data Protection Act 1998 to disclose this information as set out below. You stated that you do not seek the disclosure of any personal information regarding the individuals identified in the above requests, and our practice is not to provide statistics for numbers below 6, as we consider that there is a risk that individuals could be identified in this way.

I am not able to provide figures for either the number of women who have complained they have been prevented from having access to a lawyer, or for those who have complained that they have not received a fair trial as to do so would require a manual search of approximately 1,350 case files, which is the number of our individual arrest/detention cases in UAE to date since 1 August 2011. This would exceed the cost limit for the reasons set out below.

Withheld information and Exemptions Applied

We have withheld some of the information you have requested and applied the following exemptions:

Section 40 - Personal Data

It is our view that disclosure of this information would breach the first data protection principle; which states that personal data should be processed fairly and lawfully. Section 40(2) and (3) of the Freedom of Information Act therefore apply. It is the fairness aspect of this principle which we believe would be breached by disclosure in this case. In such circumstances, Section 40 confers an absolute exemption on disclosure. We do not therefore have to apply the public interest test.

Section 12 – Cost Limit

Section 12 of the Freedom of Information Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) regulations 2004. For central government the appropriate limit is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting it.

Your request as presently formulated is narrowly framed but given the way our data is stored I estimate that it will take more than 3.5 working days to locate, retrieve and extract this precise information.

A high level summary data search yielded over 1,350 manual consular assistance records from 1 August 2011 to date, covering arrest and detention in the UAE. Each record totalled an average of 50 pages of data. I estimate that in one working day I would be able to assess approximately 30 records. To manually search 1,350 cases would take approximately 45 working days.

Yours sincerely,

FOI / DPA Team
Consular Directorate



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.