

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 May 2018

Public Authority: Foreign and Commonwealth Office

Address: King Charles Street

London

SW1A 2AH

Decision (including any steps ordered)

1. The complainant submitted a request to the Foreign and Commonwealth Office (FCO) for copies of the material that it continued to withhold from four files concerning the British Indian Ocean Territory. The FCO provided the complainant with some of the requested information but withheld the remainder on the basis of sections 27(1)(a), (c) and (d) (international relations) and 40(2) (personal data) of FOIA. The Commissioner has concluded that only some of the withheld information is exempt on the basis of these exemptions. The information in question is identified in the annex attached to this notice. The FCO also relied on the provision contained at section 17(4) of FOIA in order not to provide the complainant with its reasoning as to why sections 27(1)(a), (c) and (d) applied. The Commissioner has concluded that some, albeit not all, of this reasoning could be provided to the complainant without any exempt information being revealed.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Disclose the parts of the requested information identified in the annex attached to this notice.
 - Provide the complainant with the parts of its reasoning to apply sections 27(1)(a), (c) and (d) of FOIA which are identified in the confidential annex.
3. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court

pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Background

4. Prior to submitting the request to the FCO which is the focus of this complaint, the complainant submitted four requests to the FCO in July and September 2015 seeking copies of the following files:
 - FCO 31/2462
 - FCO 31/2463
 - FCO 31/2464
 - FCO 31/2194
5. All of these files concerned legal action against the UK government in respect of British Indian Ocean Territory (BIOT).
6. The FCO sought to withhold these files on the basis of the exemptions contained at the following sections of FOIA: 27(1)(a), (c) and (d) – international relations, 29(1)(b) – economy, and 40(2) – personal data. Central to the FCO's rationale for relying on section 27 was its view that the requested information remained sensitive given that it was relevant to current policy formation in respect of the BIOT. Similarly, central to the FCO's rationale for relying on section 29 was its view that disclosure of the information would be likely to prejudice the UK's financial interests in respect of the Chagossian resettlement issue.
7. The complainant complained to the Commissioner about this refusal and on 12 January 2017 she issued a decision notice, FS50631529.¹ This notice concluded that some documents were exempt from disclosure on the basis of either section 27 and/or section 29, and for these documents the public interest favoured maintaining each exemption. However, the notice also concluded that the remaining documents were not exempt from disclosure on the basis of either section 27 or 29 and it ordered the FCO to disclose these documents. The FCO complied with this decision notice on 15 February 2017.

¹ It is relevant to note that although this decision notice was issued in January 2017, the Commissioner's role is limited to considering the application of any exemptions based on the circumstances as they existed at the time of the request, ie July and September 2015.

8. In November 2016, the government made two announcements concerning BIOT; firstly that it had decided against the resettlement of the Chagossian people to BIOT, and secondly that the agreements underpinning the UK/US defence facility on BIOT would continue as they stand until 30 December 2036.²

Request and response

9. The complainant submitted the following request to the FCO on 23 February 2017:

'Please would you supply me with copies of all documents which are listed in the Annex to the ICO's Decision Notice FS50631529 dated 12 January 2017 (which I attach, but which you already hold) and which are listed therein as "Exempt" from disclosure, together with unredacted copies of those documents which were formerly required to be redacted. The documents are contained in the following retained files: FCO 31/2194; FCO 31/2462; FCO 31/2463; FCO 31/2464.

Please supply these documents in scanned PDF format.

Your earlier rationale for exemption of these documents under Section 27 was that "in a small number of cases FCO material remains sensitive for an extended period of time. the withheld information in this case falls within such a description due to the continuing relevance of the withheld information to current policy formation in respect of the British Indian Ocean Territory". In the case of exemption claimed under Section 29 the rationale was posited as being "likely to prejudice the UK's economic interests in respect of the Chagossian resettlement issue".

Both the "current policy formation" and "resettlement issue" were concluded on 16 November 2016 with a Written Ministerial Statement to Parliament together with the automatic renewal of the 1966 Exchange of Notes between the US and UK on 30 December 2016, it follows therefore that the former rationale for their exemption no longer applies.'

² <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-11-16/HCWS260/>

10. The FCO responded on 12 April 2017 and explained that it considered the requested information to be exempt from disclosure on the basis of sections 27(1)(a), (c) and (d) and section 29(1)(b) of FOIA.
11. The complainant contacted the FCO on 13 April 2017 and asked it to conduct an internal review of this decision.
12. The FCO informed the complainant of the outcome of the internal review on 14 June 2017. The FCO explained that following a further review of the material it had concluded that two documents from file FCO31/2194 could be disclosed, albeit with redactions made on the basis of section 40(2) of FOIA. However, the FCO explained that it considered the remainder of the information to be exempt from disclosure on the basis of sections 27 and 29 for the reasons set out in the refusal notice. The FCO also noted that some of this information was also exempt from disclosure on the basis of section 40(2).
13. During the course of the Commissioner's investigation, the FCO concluded that as the government had now taken the decision against the resettlement of BIOT it is unlikely that release of documents previously withheld on the basis of section 29(1)(b) of FOIA would be likely to prejudice the UK government's financial interests. Therefore, on 27 February 2018 the FCO contacted the complainant and disclosed most of the material it had previously withheld on the basis of section 29(1)(b). It disclosed further documents, albeit with redactions on the basis of section 27 on 22 March 2018.

Scope of the case

14. The complainant originally contacted the Commissioner on 7 July 2017 in order to complain about the FCO's decision to withhold the information falling within the scope of his request.
15. In light of the FCO's disclosure of information during the course of the Commissioner's investigation, this decision notice only considers the remaining documents which the FCO is seeking to withhold on the basis of either sections 27(1)(a), (c) and (d) or section 40(2).
16. For clarity, the Commissioner has listed in an annex, which is attached to this notice, the details of each document (or part of the document) that the FCO is continuing to withhold. This annex also includes details of the Commissioner's decision in respect of each document.
17. The Commissioner has also provided the FCO with a confidential version of this annex which makes specific reference to the content of the withheld information in order to explain her findings in respect of certain documents.

18. The FCO explained to the Commissioner that it considered its full arguments to support the application of the remaining exemptions to be covered by section 17(4) of FOIA. This provides that a public authority's refusal notice does not have to explain why an exemption would apply if to do so would itself involve the disclosure of exempt information. The complainant has urged the Commissioner to ensure that the FCO explains why, despite the passage of time, these exemptions continue to apply. The Commissioner has therefore considered whether the FCO's arguments to rely on the exemptions are covered by section 17(4).

Reasons for decision

19. Sections 27(1)(a), (c) and (d) state that:

'Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) relations between the United Kingdom and any other State...

...(c) the interests of the United Kingdom abroad, or

(d) the promotion or protection by the United Kingdom of its interests abroad.'

The FCO's position

20. The FCO emphasised that section 27 recognised that the effective conduct of international relations depends upon maintaining trust and confidence between governments. The FCO argued that if the UK does not maintain this trust and confidence, its ability to protect and promote UK interests through international relations will be hampered. In this case, the FCO argued that disclosure of the information it continued to withhold would be likely to jeopardise UK bilateral relationships with the government of the US and the government of Mauritius. In reaching this conclusion, the FCO acknowledged that the sensitivity of information can diminish with the passage of time, however, in a small number of cases FCO material remains sensitive for an extended period of time. The FCO argued that despite the government's announcement in November 2016 regarding the future of BIOT, the withheld information in this case falls within such a description.
21. The FCO also provided the Commissioner with more detailed submissions which explained why, in its view, specific information falling within the scope of these requests remained exempt from disclosure on the basis of sections 27(1)(a), (c) and (d) of FOIA. However, the Commissioner has not included such submissions in this decision notice because the FCO argued that these submissions were covered by section 17(4). (As noted above, this provision of the legislation states that there

is no obligation on a public authority to make a statement of why an exemption applies if to do so would involve the disclosure of exempt information).

The complainant's position

22. The complainant noted that the FCO's justification for relying on section 27 was due to its continued relevance to the current policy formulation in respect of BIOT. However, the complainant argued that the government's announcement in November 2016 marked the end of such policy development and therefore its substantive arguments for relying on this exemption no longer applied. The complainant noted that if he was wrong, then the FCO had failed to explain why this was the case and had not advanced any new rationale for its continued refusal to disclose this material. He also argued that it was not logical for the FCO to argue that information should remain sensitive for an 'indefinite period' which is what is currently being implied.
23. The complainant suggested that the Commissioner should require the FCO to specify a time limit in each circumstance where the exemption is applied. He noted that this latter policy is one that is routinely applied where material is retained from The National Archives (TNA). Furthermore, the complainant also argued that following this decision notice the files should be released to TNA with appropriate redactions (if justified).³

The Commissioner's position

24. In order for a prejudice based exemption, such as section 27(1) to be engaged the Commissioner believes that three criteria must be met:
 - Firstly, the actual harm which the public authority alleges would, or would be likely to, occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemption;
 - Secondly, the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and the prejudice which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual or of substance; and
 - Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – ie,

³ The Commissioner has commented on this particular aspect of the complainant's submissions in the Other Matter section at the end of the notice.

disclosure 'would be likely' to result in prejudice or disclosure 'would' result in prejudice. In relation to the lower threshold the Commissioner considers that the chance of prejudice occurring must be more than a hypothetical possibility; rather there must be a real and significant risk. With regard to the higher threshold, in the Commissioner's view this places a stronger evidential burden on the public authority. The anticipated prejudice must be more likely than not.

25. Furthermore, the Commissioner has been guided by the comments of the Information Tribunal which suggested that, in the context of section 27(1), prejudice can be real and of substance 'if it makes relations more difficult or calls for a particular damage limitation response to contain or limit damage which would not have otherwise have been necessary'.
26. With regard to the first criterion of the three limb test described above, the Commissioner accepts that the potential prejudice described by the FCO clearly relates to the interests which the exemptions contained at sections 27(1)(a), (c) and (d) are designed to protect.
27. With regard to the second criterion, the Commissioner is satisfied that disclosure of some of the withheld information has the potential to harm the UK's relations with either the US or Mauritius. However, in relation to the remainder of the information the Commissioner is not persuaded that there is a causal link between its disclosure and the nature of the prejudice envisaged by the FCO. As with the approach the Commissioner took in her previous decision notice she cannot explain why she has reached this finding without reference to parts of the FCO's submissions which it considers to be sensitive, and indeed without reference to the withheld information itself. The Commissioner's rationale for reaching this decision is therefore contained in the confidential annex which will be shared with the FCO only.
28. Furthermore, the Commissioner is satisfied that in respect of the information which meets the second criterion, if this information was disclosed there is a more than a hypothetical chance of prejudice occurring. Rather, for such information the Commissioner is satisfied that if this information was disclosed there is a real and significant risk of the UK's relations either with the US or Mauritius being damaged. For such information, the third criterion set out above is met and therefore this information is exempt from disclosure on the basis of sections 27(1)(a), (c) and (d). Again, the Commissioner has elaborated on her rationale for reaching this finding in the confidential annex.
29. However, the Commissioner would emphasise that the amount of withheld information falling within the scope of this complaint is significantly smaller than the volume of withheld information originally considered by the Commissioner when determining complaint FS50631529. This is due to the disclosures of information by the FCO in

order to comply with that decision notice and its disclosure in February 2018 of the vast majority of information which it had continued to withhold on the basis of section 29(1)(b). As a consequence of this smaller volume of withheld information it has been proportionate for the Commissioner take a more forensic approach to considering the withheld information and this, in part, is one of the reasons why she has concluded that some of the information previously found to be exempt in the earlier decision notice should now be disclosed.

30. In summary, only some of the withheld material is exempt from disclosure on the basis of sections 27(1)(a), (c) and (d).

Public interest test

31. Section 27 is a qualified exemption and therefore the Commissioner must consider the public interest test and whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
32. In his submissions in relation to the previous case, the complainant argued that in considering the balance of the public interest test the FCO had not appeared to have given consideration to the impact that retention of these particular files will have on the historical interpretation of the Vencatassen litigation and compensation record.
33. The FCO argued that if the withheld information was disclosed this would undermine its ability to protect and promote the UK's interests through its relations with both the US and Mauritius, an outcome which would be firmly against the public interest. The FCO also provided the Commissioner with more detailed submissions to support its view that the public interest favoured maintaining the exemptions contained at sections 27(1)(a), (c) and (d). However, as with the FCO's submissions on engaging the exemption, the Commissioner cannot include these in this notice without potentially revealing information which is itself exempt from disclosure.
34. In the Commissioner's opinion disclosure of the remaining information contained within these four files which the FCO is seeking to withhold would add to the public's understanding of the litigation discussed in the documents. Disclosure could also increase the public's knowledge about the nature of the UK's relations with the US and Mauritius during this period. Furthermore, as with her comments in the previous decision notice, the Commissioner considers that disclosure would also aid the public's ability to understand and interpret other information on this topic which has been previously disclosed. The Commissioner therefore accepts that the public interest in disclosing this information should not be underestimated.

35. However, the Commissioner agrees with the FCO that there is an inherently strong public interest in ensuring that the UK maintains effective relations with other countries. In the circumstances of this case, and taking into account the specific points raised in the FCO's submissions to her, the Commissioner is persuaded that the public interest favours maintaining the exemptions contained at sections 27(1)(a), (c) and (d) in order to protect the UK's ability to have effective relations with the US and Mauritius and in order to more widely protect the UK's interests.
36. In summary then, the Commissioner has concluded that sections 27(1)(a), (c) and (d) can only be relied upon in respect of some of the withheld information. The particular documents in question are identified in the annex attached to this notice.

Section 40 – personal data

37. The FCO argued that a small number of documents from file FCO 31/2194 were exempt in their entirety on the basis of section 40(2) of FOIA.
38. Section 40(2) of FOIA states that personal data is exempt from disclosure if its disclosure would breach any of the data protection principles contained within the Data Protection Act 1998 (DPA).
39. Personal data is defined in section (1)(a) of the DPA as:

'.....data which relate to a living individual who can be identified from those data or from those data and other information which is in the possession of, or likely to come into the possession of, the data controller; and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any person in respect of the individual.'

40. The Commissioner accepts that folio 80 and the folio enclosed with folio 81 both contain information which constitutes the personal data of living individual(s). However, in terms of folios 79B and 81 in the Commissioner's view only part of these documents contains personal data of a living individual(s) and these documents could arguably be disclosed with this personal data redacted.
41. The FCO argued that disclosure of the information it withheld on the basis of section 40(2) would breach the first data protection principle which states that:

'Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

- (a) *at least one of the conditions in Schedule 2 is met, and*
- (b) *in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.'*

42. In deciding whether disclosure of personal data would be unfair, and thus breach the first data protection principle, the Commissioner takes into account a range of factors including:

- The reasonable expectations of the individual in terms of what would happen to their personal data. Such expectations could be shaped by:
 - what the public authority may have told them about what would happen to their personal data;
 - their general expectations of privacy, including the effect of Article 8 of the European Convention on Human Rights (ECHR);
 - the nature or content of the information itself;
 - the circumstances in which the personal data was obtained;
 - any particular circumstances of the case, eg established custom or practice within the public authority; and
 - whether the individual consented to their personal data being disclosed or conversely whether they explicitly refused.
- The consequences of disclosing the information, ie what damage or distress would the individual suffer if the information was disclosed? In consideration of this factor the Commissioner may take into account:
 - whether information of the nature requested is already in the public domain;
 - if so the source of such a disclosure; and even if the information has previously been in the public domain does the passage of time mean that disclosure now could still cause damage or distress?

43. Furthermore, notwithstanding the data subject's reasonable expectations or any damage or distress caused to them by disclosure, it may still be fair to disclose the requested information if it can be argued

that there is a more compelling legitimate interest in disclosure to the public.

44. In considering 'legitimate interests', in order to establish if there is a compelling reason for disclosure, such interests can include broad general principles of accountability and transparency for their own sake, as well as case specific interests. In balancing these legitimate interests with the rights of the data subject, it is also important to consider a proportionate approach.
45. The FCO argued that given the content of the withheld information its disclosure would be unfair. Having considered the content of this information the Commissioner is satisfied that disclosure of the information which she accepts is personal data would be unfair as the individuals in question would have no reasonable expectation that this would be disclosed, and despite the passage of time, could potentially cause damage or distress. The information which the Commissioner accepts is personal data is therefore exempt from disclosure on the basis of the section 40(2) of FOIA.

Section 17(4) – refusal notice

46. As noted above, the FCO relied on section 17(4) of FOIA and argued that disclosure of its arguments to support its reliance on section 27(1) of FOIA would result in the disclosure of exempt information.
47. The Commissioner is of the view that the FCO could provide the complainant with a more detailed explanation to justify its rationale for relying on this exemption without disclosing information which is itself exempt. However, the Commissioner does accept that part of the FCO's arguments for relying on the exemption are covered by section 17(4). The Commissioner has discussed this point further in the confidential annex and as well as identifying the parts of its exemption arguments which the Commissioner requires the FCO to provide to the complainant.

Other Matters

48. The Commissioner recognises that as part of his submissions the complainant argued that she should require the FCO to specify a time limit in each circumstance where the exemption is applied - he noted that this latter policy is one that is routinely applied where material is retained from TNA - and that following this decision notice the files should be released to TNA with appropriate redactions (if justified).
49. With regard to the complainant's first suggestion, the Commissioner's role in determining a complaint brought to her under section 50 of FOIA is limited to determining whether any requested information should be

provided to the requester based upon the circumstances as they existed at the time of the request. It is not within the Commissioner's remit to suggest, specify or stipulate at which point in the future exemptions would no longer continue to apply. However, the Commissioner recognises that this is the second time that the complainant has submitted a request to the FCO seeking access to these files. Therefore, taking into account the background to this complaint, the Commissioner would recommend to the FCO that it considers whether it can provide the complainant with any advice in respect of when the remaining information contained within the files could possibly be disclosed, albeit that the Commissioner recognises that given the FCO's position in respect of section 17(4) this may not be possible or that any advice that is given may be limited.

50. Finally, it is not within the Commissioner's role to suggest how or when public authorities should transfer files to TNA.

Right of appeal

51. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

52. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

53. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jonathan Slee
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex – details of Commissioner’s findings in respect of each file**File - FCO 31/2462**

Folio No.	Document description	Document date	FCO’s position	ICO view on application of exemption	ICO decision
Enc with 2	Briefing for meeting on 11 January 1978	05-Jan-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
Enc with 2	Flag A - Treasury Solicitor letter from Barnett to Secretary of State, FCO	21-Dec-77	FCO withholding folio on basis of section 27	Section 27 is not engaged	Needs to be disclosed
Enc with 2	Flag B - Minute from Secretary of State, FCO to Chief Secretary	05-Dec-77	FCO withholding folio on basis of section 27	Section 27 applies to only part of the document.	Disclose document with redactions made to the information identified in the confidential annex.
4	TO Treasury Solicitor,	10-Jan-78	FCO withholding folio on	Section 27 is	Exempt under

	Carter / Munrow		basis of section 27	engaged	section 27
Enc with 4	TO Port Louis Tel No 003	09-Jan-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
8	Record of meeting on 11 January 1978	18-Jan-78	Disclosed in March 2018 but with redactions under section 27	Redacted information is not exempt	Disclose unredacted copy of document
16	Submission - Munro / Graham	20-Feb-78	Disclosed in March 2018 but with redactions under section 27	Redacted information is not exempt	Disclose unredacted copy of document
21	Port Louis Ward / Carter	03-Mar-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
29	Washington, ref 063/530/1, Millington to Churchill, PM / ISO	29-Mar-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
30	TO Washington Gallagher / Millington	10-Apr-78	Folio disclosed but redactions made on the basis of section 27	Section 27 engaged	Redacted information is exempt from disclosure
31	Minute - Legal	21-Mar-78	Folio disclosed but redactions made on the	Section 27	Redacted information is

	Advisers, Bickford / Carter		basis of section 27	engaged	exempt from disclosure
Enc with 31	Minute - Legal Advisers, Bickford / Munrow	21-Mar-78	Folio disclosed but redactions made on the basis of section 27	Section 27 engaged	Redacted information is exempt from disclosure
Enc with 31	Copy - message Diego Garcia to Todd, B.I.O.T Administrator	04-Jun-71	FCO withholding folio on basis of section 27	Section 27 not engaged	Document needs to be disclosed
Enc with 31	Copy - message Diego Garcia to Todd, B.I.O.T Administrator	28-Aug-71	FCO withholding folio on basis of section 27	Section 27 not engaged	Document needs to be disclosed
41	Washington, ref JEZ 243/1, Millington to Gallagher	24-Apr-78	FCO withholding folio on basis of section 27	Section 27 engaged	Redacted information is exempt from disclosure

File - FCO 31/2463

Folio No.	Document description	Document date	FCO's position	ICO view on application of exemption	ICO decision
43	TO Port Louis Tel No 90	26-Apr-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
Enc with 43	TO Port Louis Tel No 90	26-Apr-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
44	Washington, ref 063/530/1, Millington to Gallagher	01-May-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
48	Treasury Solicitor L75/1331/RDM Munrow / Bickford, cc Gallagher	01-May-78	Folio disclosed but redactions made on the basis of section 27	Section 27 engaged	Redacted information is exempt from disclosure
49	Treasury Solicitor L75/1331/RDM Munrow / Bickford, Legal Adviser	12-May-78	Folio disclosed but redactions made on the basis of section 27	Section 27 engaged	Redacted information is exempt from disclosure



Enc with 49	Copy of list of documents		Folio disclosed but redactions made on the basis of section 27	Section 27 engaged	Redacted information is exempt from disclosure
55	Port Louis Ward / Gallagher	25-May-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
Enc with 55	Port Louis Ward / Parfait	25-May-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
56	TO Port Louis Tel No 99	15-Jun-78	FCO withholding folio on basis of section 27	Section 27 applies to only part of the document.	Disclose document with redactions made to the information identified in the confidential annex.
60	Port Louis 040/1 Ward / Gallagher	06-Jul-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
61	TO Port Louis Tel No 113	10-Jul-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
62	Minute - Mansfield /	18-Jul-78	FCO withholding folio on basis of	Section 27 is	Exempt under

	Rosling		section 27	engaged	section 27
Enc with 62	Background note on Mansfield / Bishop Huddleston meeting	18-Jul-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
75	Letter - Bernard Sheridan & Company / Treasury Solicitor	24-Sep-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
80	Minute - Legal Advisers, Bickford / Gallagher	10-Oct-78	FCO withholding folio on basis of section 27	Section 27 applies to only part of the document.	Disclose document with redactions made to the information identified in the confidential annex.
83	Treasury Chambers AEF 307/471/01 Brazier / Bickford, Legal Advisers	10-Oct-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
94	TO Port Louis Tel No 173	20-Nov-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27

Reference: FS50689762



95	Port Louis Tel No 208	22-Nov-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
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File - FCO 31/2464

Folio No.	Document description	Document date	FCO's position	ICO view on application of exemption	ICO decision
96	Submission - Rosling / Munro	24-Nov-78	Folio disclosed but redactions made on the basis of section 27	Section 27 is engaged	Exempt under section 27
97	Port Louis ref 040/1, Ward / Gallagher	23-Nov-78	FCO withholding folio on basis of section 27	Section 27 applies to only part of the document.	Disclose document with redactions made to the information identified in the confidential annex.
98	TO Port Louis Tel No 210	28-Nov-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
99	Minute - Temple / Munro	29-Nov-78	FCO withholding folio on basis of section 27	Section 27 not engaged	Needs to be disclosed
100	TO Port Louis Tel No 175	04-Dec-78	FCO withholding folio on basis of	Section 27 is engaged	Exempt under section 27

			section 27	Information Commissioner's Office	
101	Port Louis ref 040/1, Ward / Gallagher	30-Nov-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
Enc with 101	Building cost index		FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27
Enc with 101	Low cost housing	28-Nov-78	FCO withholding folio on basis of section 27	Section 27 not engaged	Needs to be disclosed
104	TO Port Louis Tel No 217	08-Dec-78	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27

File FCO 31/2194

Folio No.	Document description	Document date	FCO's position	ICO view on application of exemption	ICO decision
79B	Treasury Solicitor Munrow / Bickford, Legal Adviser	02-Nov-77	FCO now withholding under section 40(2)	Section 40(2) only covers part of the document	Document needs to be disclosed with redactions identified in confidential annex
80	Note - Bickford, Legal Adviser	27-Oct-77	FCO now withholding under section 40(2)	Section 40 applies to all of the document.	Exempt under section 40
81	Minute - Legal Adviser, Adcock / Munrow, Treasury Solicitor	03-Nov-77	FCO now withholding under section 40(2)	Section 40(2) only covers part of the document	Document needs to be disclosed with redactions identified in confidential annex
Enc with 81	Copy of missing page 8 from a statement		FCO now withholding under section 40(2)	Section 40 applies to all of the document.	Exempt under section 40
Enc with 83	English translation -		FCO withholding folio on basis of	Section 27 is	Exempt under

	Petition to British Government		section 27	engaged	section 27
Enc with 83	Copy - letter 32/1 British High Commission, Port Louis	11-Nov-74	Disclosed at internal review stage with redactions on the basis of s40	Redactions are exempt on basis of section 40	Redactions are exempt on the basis of section 40
87	Attorney General / Secretary of state for Foreign and Commonwealth Affairs	18-Nov-77	FCO withholding folio on basis of section 27	Section 27 applies to only part of the document.	Disclose document with redactions made to the information identified in the confidential annex.
Enc with 87	Two copies of page one from above letter	18-Nov-77	FCO withholding folio on basis of section 27	Section 27 not engaged	Needs to be disclosed
90	Treasury Solicitor Munrow / Graham	30-Nov-77	Folio disclosed but redactions made on the basis of section 27	Section 27 applies to redacted information	Redacted information is exempt
Enc with 90	Two Copies - Treasury Solicitor Munrow / Graham	02-Dec-77	Folio disclosed but redactions made on the basis of section	Section 27 applies to redacted information	Redacted information is exempt



			27	Information Commissioner's Office	
91	TO Chief Secretary / Owen MP	05-Dec-77	FCO withholding folio on basis of section 27	Section 27 applies to only part of the document.	Disclose document with redactions made to the information identified in the confidential annex.
93	File note - Carter	07-Dec-77	FCO withholding folio on basis of section 27	Section 27 applies to only part of the document.	Disclose document with redactions made to the information identified in the confidential annex.
95	Minute Research Department / Bickford, Legal Adviser	09-Dec-77	FCO withholding folio on basis of section 27	Section 27 applies to only part of the document.	Disclose document with redactions made to the information identified in the confidential annex.
98	Copy - Minute Research Department /		FCO withholding folio on basis of	Section 27 applies to only part of the	Disclose document with redactions made



	Bickford, Legal Adviser		section 27	document.	to the information identified in the confidential
Enc with 105	Copy of draft Amended Defence in the High Court of Justice		FCO withholding folio on basis of section 27	Disclose document with redactions made to the information identified in the confidential	Disclose document with redactions made to the information identified in the confidential
106	Washington, Millington / Rosling	28-Dec-77	FCO withholding folio on basis of section 27	Section 27 is engaged	Exempt under section 27