

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 April 2023

Public Authority: Foreign, Commonwealth & Development Office
Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant requested information about Government proposals submitted to the European Commissioner regarding work permits for creative professionals. The Foreign, Commonwealth & Development Office (FCDO) refused to disclose the information on the basis of sections 27(1)(b)-(d) (international relations) of FOIA.
2. The Commissioner's decision is that the FCDO can withhold this information on the basis of sections 27(1)(b)-(d) and that in all the circumstances of this request the public interest favours maintaining the exemptions.
3. The Commissioner does not require the FCDO to take any steps.

Request and response

4. On 13 December 2022 the complainant requested the following information from the Foreign, Commonwealth & Development Office (FCDO):

“The explicit and concrete proposals that the Government put to the European Commissioner regarding work permits for creative professionals.”

5. The FCDO’s final position is that it is relying on the exemptions in 27(1)(b)-(d) (international relations) to withhold the requested information.

Reasons for decision

Section 27 – international relations

6. The FCDO’s position is that the withheld information is exempt from disclosure on the basis of the sections 27(1)(b) to (d) of FOIA. These state that information is exempt from disclosure if the requested information would, or would likely, prejudice:

‘(b) relations between the United Kingdom and any international organisation or international court,
(c) the interests of the United Kingdom abroad, or
(d) the promotion or protection by the United Kingdom of its interests abroad.’

7. On 16 December 2022 the Commissioner issued a decision notice in relation to request made to the FCDO by a different requester (“IC-129068-R2W0”)¹. IC-129068-R2W0 identifies the same information which constitutes the withheld information in this decision notice.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4024785/ic-129068-r2w0.pdf>

8. On the basis of the submissions provided by the FCDO in IC-129068-R2W0 the Commissioner concluded that the FCDO had correctly withheld the information under sections 27(1)(b) to (d) of the FOIA.
9. In relation to the request which is the subject of this decision notice, the FCDO has confirmed that circumstances have not changed, that its position remains the same and that the conclusions reached by the Commissioner in IC-129068-R2W0, therefore, apply to the facts of this case.
10. The Commissioner has considered the available evidence and he is satisfied that, given the close proximity of this request to that documented in IC-129068-R2W0, it is reasonable to conclude that the decision he reached in that case is also applicable here.
11. The Commissioner, therefore, confirms that it is appropriate that his analysis and conclusions regarding the engagement of the exemptions and the balance of the public interest in IC-129068-R2W0 are transposed to this decision notice.
12. The Commissioner finds that the public interest favours maintaining the exemptions contained at sections 27(1)(b), (c) and (d) and withholding the information.

Right of appeal

13. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

14. 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.
15. 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

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