

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 29 February 2024

**Public Authority:** Home Office  
**Address:** 2 Marsham Street  
London  
SW1P 4DF

#### Decision (including any steps ordered)

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1. The complainant has requested a breakdown of costs for the Migration and Economic Development Partnership (MEDP) between Rwanda and the UK. The Home Office provided links to some information in the public domain and cited sections 22 (Information intended for future publication), 27 (International relations) and 43 (Commercial interests) of FOIA to refuse to disclose the more detailed breakdown specified in the request.
2. The Commissioner's decision is that the Home Office was entitled to rely on section 27(1)(a) of FOIA to withhold the information.
3. The Commissioner does not require further steps.

#### Background

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4. The MEDP provides for the relocation to Rwanda of individuals who arrive in the UK through an illegal and dangerous route on or after 1 January 2022 and who do not have a right to stay in the UK<sup>1</sup>.

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<sup>1</sup> <https://www.gov.uk/government/publications/migration-and-economic-development-partnership-factsheet/migration-and-economic-development-partnership-factsheet>

## Request and response

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5. On 5 October 2023, the complainant wrote to the Home Office and requested information in the following terms:

“Please provide a breakdown of the Rwanda deportation agreement setting out what payments make up the total cost.

This might include, cost of installing infrastructure in Rwanda, success payments to the Rwandan government for successful management of migrants, and other payments to the Rwanda government related to the scheme.

Please note given the Rwanda scheme is at the centre of a major ongoing public debate about the value for money of sending migrants to the country, and the ethics of the programme itself, there is an overriding public interest in that debate taking place with the most accurate and relevant possible information being available.

Given the unique nature of the deal, it is hard to see how the commercial interests of the UK or Rwandan government could be meaningfully prejudiced through disclosure.

The deal was also a direct award rather than being put out to tender. In such situations, there are elevated public interests in transparency to avoid any perception of a misuse of public money.”

6. The Home Office responded on 20 October 2023. It referred the complainant to information in the public domain which stated that the UK had made payments of £120 million and £20 million to the Government of Rwanda.
7. The Home Office said that it held more information about the payments, but cited sections 27 (International relations) and 43 (Commercial interests) of FOIA to withhold it.
8. The complainant requested an internal review on 24 October 2023. In particular, he cited public interest grounds for the disclosure of the information.
9. The Home Office provided the outcome of the internal review on 8 November 2023. It said sections 27(1) and 43(2) of FOIA had been applied correctly and that the public interest favoured maintaining the exemptions.

## Scope of the case

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10. The complainant contacted the Commissioner on 8 November 2023 to complain about the way his request for information had been handled. He disagreed that the exemptions had been applied correctly. He also argued that the exemptions had been applied in a 'blanket' fashion, and that consideration should be given to partial disclosure of the information, with redactions, if necessary.
11. During the Commissioner's investigation, the Home Office revised its position slightly in regard to the information it would disclose. It said the payments cited in its initial response were the total amount paid in the 2022/23 financial year. It told the Commissioner that, following a letter to the Public Accounts Committee from the Permanent Secretary, dated 7 December 2023<sup>2</sup>, it was able to publicly confirm that a payment of £100 million had been made in the 2023/24 financial year, and that a payment of £50 million was anticipated for the financial year 2024/25.
12. The Home Office maintained that more detailed financial information about the arrangement remained exempt from disclosure under sections 27(1)(a) and 43(2) of FOIA. In addition, it suggested that section 22 of FOIA was engaged, although it did not offer substantive arguments in support of its application.
13. The analysis below considers whether the Home Office was entitled to rely on sections 22, 27(1)(a) and 43(2) of FOIA to withhold the information.
14. The Commissioner has viewed the withheld information.

## Reasons for decision

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### Section 27 – International relations

15. The Home Office has cited section 27(1)(a) of FOIA, which states:

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

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<sup>2</sup>

[https://assets.publishing.service.gov.uk/media/6572215b58fa30000db140fe/Matthew\\_Rycroft\\_letter\\_to\\_PAC\\_and\\_HASC\\_-\\_FINAL\\_071223\\_2\\_1.pdf](https://assets.publishing.service.gov.uk/media/6572215b58fa30000db140fe/Matthew_Rycroft_letter_to_PAC_and_HASC_-_FINAL_071223_2_1.pdf)

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

16. The Commissioner notes that section 27(1) does not necessarily focus on the importance, subject or content of the requested information, but on whether UK interests abroad, or the international relations of the UK would be prejudiced through the disclosure of the information. In other words, section 27(1) focuses on the effects of the disclosure.
17. The Commissioner’s guidance on section 27<sup>3</sup> acknowledges that there is some overlap between the different provisions set out in the exemption. It also recognises that the interests of the UK abroad, and the UK’s international relations, cover a broad range of issues.
18. The Home Office told the complainant that the withheld information relates to negotiations between the UK and Rwanda that took place in confidence and with an expectation that the information would not be released. It believed that disclosure of the withheld information would prejudice relations between the UK and Rwanda, and also the UK’s relationships with other states.
19. Similarly, in its submission to the Commissioner, the Home Office recognised the importance of continued co-operation with the Government of Rwanda and the need to maintain the trust of its other international partners. Regarding the confidential nature of the information, it said that when the MEDP with Rwanda was established, both sides agreed not to publish the full detailed costs of the Partnership. It said there is, therefore, a reasonable expectation that finances associated with the MEDP would remain confidential between the two states.
20. Although the complainant has commented that he believes the MEDP might be terminated in the near future, at the time of the request it was in place, and so the Home Office believed that disclosure at that point would damage the trust and confidence built up between the UK and the Rwandan Government. The disclosure of detailed financial information would be seen as a betrayal of trust by the Rwandan Government and would damage relations between the UK and Rwanda.
21. With regard to the risk of prejudice occurring as a result of disclosure, the Home Office confirmed the higher threshold, ie that release of this

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<sup>3</sup> <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/section-27-international-relations/>

information 'would' prejudice relations between the UK and Rwanda, and other states.

22. In order for a prejudice based exemption, such as section 27, to be engaged, the Commissioner considers that three criteria must be met:
- First, 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.
  - Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – i.e., disclosure would be likely to result in prejudice or disclosure would result in prejudice. If the likelihood of prejudice occurring is one that is only hypothetical or remote the exemption will not be engaged.
23. 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'<sup>4</sup>.
24. With regard to the first criterion of the test set out above, the Commissioner accepts that the type of harm that the Home Office believes would occur if the information was disclosed is applicable to the interests that section 27(1)(a) is designed to protect.
25. With regard to the second criterion, having considered the content of the withheld information and taking into account the Home Office's submissions to him, the Commissioner is satisfied that there is a causal link between disclosure of this information and harm occurring to the interests identified by the Home Office.

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<sup>4</sup> Campaign against Arms Trade v the Information Commissioner and Ministry of Defence EA/2007/0040 (26 August 2008)

26. With regard to the third criterion, having considered the arguments put forward by the Home Office, the Commissioner's view is that it has demonstrated that the higher level of prejudice 'would' occur. The risk of prejudice occurring is one that is clearly more than hypothetical and the Commissioner accepts that disclosure of the withheld information risks not only directly impacting on the UK's international relations with the Rwandan Government, but also, on a broader basis, on the trust and confidence that other international partners have in the UK.
27. The Commissioner is therefore satisfied that section 27(1)(a) is engaged by the withheld information, in its entirety.

### **The public interest test**

28. Section 27(1) is a qualified exemption and is subject to the public interest test set out in section 2(2)(b) of FOIA. The Commissioner has therefore considered whether, in all the circumstances of the case, the public interest in maintaining the exemption at section 27(1)(a) outweighs the public interest in disclosing the information.

### **Public interest arguments in favour of disclosure**

29. The complainant argued that the public interest in transparency and accountability would be served by disclosure. He argued that the MEDP with Rwanda is highly controversial, offers poor value for money and proposes that asylum seekers be removed from the UK to a state where there are concerns about human rights abuses. He commented:

"The policy has been subject to repeated public [protest](#), has been discussed [repeatedly](#) in the House of Commons with MPs raising concerns about its ethics and value for money, and is currently the subject of a Supreme Court [challenge](#) to its legality.

Matthew Rycoft, the permanent secretary, asked Home Secretary Priti Patel to give him a ministerial [direction](#), used when a policy does not meet civil service guidelines, to justify the department completing the policy due to concerns the policy did not offer value for money.

In such circumstances, there is the clearest of public interest in the most detailed information about the costs of the policy being made public."

30. The Home Office recognised that there is a general public interest in transparency and openness in Government, which will serve to increase public trust. It acknowledged that disclosure of financial information relating to the MEDP with Rwanda, could improve public understanding of the UK's asylum system, aid public debate, provide accountability in

terms of the quality of policy decision-making and the spending of public money.

### **Public interest arguments in favour of maintaining the exemption**

31. The Home Office told the complainant:

“There is a clear public interest in withholding this information to protect good government by preserving a safe space to negotiate bilateral agreements and the associated financial parameters of commercially sensitive arrangements. This protects the integrity of the policy-making process and information that would be likely to prejudice relations between the UK and Rwanda if it was disclosed, including trust and confidence between governments. If the UK does not maintain this trust and confidence, its ability to protect and promote UK interests through international relations will be hampered and potentially damage the bilateral relationships we hold with other governments, which will not be in the public interest. Disclosure may prevent important policy issues and proposals from being thoroughly explored, interfering with future negotiations on other issues resulting in less robust, well-considered or effective policies. We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information.”

32. The Home Office told the Commissioner of the need to maintain a balance between the public interest, and the interests of the UK Government and the Government of Rwanda. It placed great importance on maintaining confidence between international partners and in respecting commercial confidence. It also argued the following:

“We also consider that the level of public interest in disclosure is reduced by the fact that some related information is already in the public domain... This includes the information [referred to in paragraph 11] above. In addition, the Government of Rwanda has provided [a breakdown] of the first ETIF [Economic Transformation Fund] payment...This is also available online: [Parliamentlive.tv - Public Accounts Committee](https://committees.parliament.uk/oralevidence/14018/html/)<sup>5</sup>”.

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<sup>5</sup> <https://committees.parliament.uk/oralevidence/14018/html/>

33. The Home Office further noted that, in 2024, the National Audit Office is to publish a report on costs around the Rwanda asylum plan<sup>6</sup> which will further increase the information in the public domain on the matter.

### **Balance of the public interest**

34. The Commissioner acknowledges that there will always be a general public interest in transparency.
35. The Commissioner considers that there is also a clear public interest in the disclosure of information which provides an insight into the UK's relations with other states. In the specific circumstances of this request, he accepts that there is a general, and legitimate, interest in adding to the public's understanding of the treatment of asylum seekers and the MEDP with Rwanda. There is also a public interest in information on matters of public spending and value for money. Disclosure of the withheld information would directly meet these interests.
36. However, there is a very strong public interest in ensuring that the UK's relationships with other states are not harmed or made more difficult and less effective. This is to ensure that the UK can protect and promote its relations and interests abroad and it goes to the heart of the purpose of the exemption.
37. In the context of this request, the Commissioner accepts that disclosure of the withheld information would have a direct, and detrimental, impact on the UK's relations with Rwanda. In his view, such an outcome would be firmly against the public interest, not only in the context of relations between the UK and Rwanda, but potentially more broadly. He is satisfied that the disclosure of the information would risk the UK's relations with other states, damaging the trust and confidence with which the UK is viewed by other international partners.
38. The Commissioner acknowledges the Home Office's points about the amount of financial information which is already in the public domain. He further notes that, although it post-dates the request, a percentage breakdown was provided in the response to question 93, during the Public Accounts Committee hearing referred to above:

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<sup>6</sup> <https://committees.parliament.uk/committee/83/home-affairs-committee/news/198948/rwanda-scheme-national-audit-office-to-produce-factual-report-on-plans-costs/>



“Dame Diana Johnson: Do we have any idea what the £120 million, the £100 million and the £50 million are being spent on?”

Sir Matthew Rycroft: We do. The Government of Rwanda have told us that. The £120 million last year was divided into 39% on education, 13% on health, 19% on job creation, 21% on infrastructure, 5% on agriculture and 2% on IT. Those are all things that are of benefit to the citizens of Rwanda and to the migrants being relocated from the UK. That is the overarching principle of the spending. There will be a similar breakdown for this financial year that we are still in the middle of in relation to the £100 million, which I will, of course, update the two Committees on as soon as I can.”

39. This effectively allows for the calculation, in broad terms, of the amounts earmarked for education, health, job creation, infrastructure, agriculture and IT. The publication of such information therefore facilitates public debate on value for money and the MEDP. Further, detailed information should follow, with the publication of the National Audit Office report (although it is not known whether all the withheld information will be included in that report).
40. Finally, while the complainant has cited a public interest in disclosure stemming from the ‘ethics’ of the MEDP with Rwanda, the Commissioner notes that the withheld information, if disclosed, would not add anything that would directly inform public debate on those matters.
41. As set out in paragraph 16, section 27(1)(a) is concerned with the effect that disclosing information would have on international relations. Having accepted the Home Office’s submissions on that point, and mindful of the information that is already in the public domain, the Commissioner considers that the public interest in maintaining good international relations between the UK and Rwanda, and other states, is greater than the public interest in transparency regarding the requested information.
42. The Commissioner has therefore concluded that the balance of the public interest favours maintaining the exemption contained at section 27(1)(a) of FOIA. In light of this decision, it has not been necessary to consider the Home Office’s application of sections 22 and 43 to the same information.

## **Right of appeal**

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43. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

44. 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.
45. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**