

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 July 2025

Public Authority: Foreign, Commonwealth & Development Office

Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant submitted a four part request to the Foreign, Commonwealth & Development Office (FCDO) seeking information about the Government's decision in September 2024 to suspend 30 licenses for the export of military equipment to Israel. The FCDO refused to confirm or deny whether it held information falling within the scope of part 1 of the request on the basis of sections 41(2) (information provided in confidence) and 43(3) (commercial interests) of FOIA. It confirmed that it held information falling within the scope of parts 2, 3 and 4 of the request but withheld this on the basis of sections 41(1) and 43(2), with section 27(1) (international relations) of FOIA also applying to parts 2 and 4.
2. The Commissioner's decision is that the FCDO is entitled to rely on section 41(2) to refuse to confirm or deny whether it holds information falling within the scope of part 1 of the request and is entitled to withhold the information falling within the scope of parts 2, 3 and 4 of the request on the basis of section 41(1) of FOIA.
3. The Commissioner does not require further steps.

Request and response

4. The complainant submitted the following request to the FCDO on 2 September 2024:

"It was reported today (2/9/2024) in Parliament, that the UK government has suspended 30 licenses for the export of military equipment to Israel.

Please provide the following information in a separate PDF.

1. A list of the 30 licences announced as suspended today, set out in a table, organised by, type of licence, date of application, date of issue and/or suspension, and ML code, indicating which of these were applied for by the following exporters:

- 1.a. UAV Engines Ltd
- 1.b. UAV Tactical Systems Ltd
- 1.c. Elbit Systems UK Ltd or ESUK Ltd
- 1.d. Instro Precision Ltd
- 1. e. Elite KL Ltd

2. Names for each/any of the above license applications end-users and ultimate end-users in Israel as disclosed in any application document, and/or in any internal public authority record held in relation to each application.

3. Exporter names for any of the 30 suspended licences that are outside the scope of 1. above, set out in a table, organised by, type of licence, date of application, date of issue and/or suspension, and ML code

4. Names for each/any of license applications in 3. above for the end-users and ultimate-end users in Israel as disclosed in any application document, and/or any internal public authority record held in relation to each application"

5. The FCDO responded on 20 November 2024. In relation to parts 1a) to 1e) it neither confirmed nor denied (NCND) whether it held information in the scope of these parts of the request on the basis of sections 41(2) (information provided in confidence) and 43(3) (commercial interests) of FOIA. In relation to parts 2, 3, and 4 the FCDO confirmed that it held the requested information but that this was exempt from disclosure on the basis of sections 41(1) and 43(2) of FOIA.

6. The complainant contacted the FCDO on 20 November 2024 and asked it to conduct an internal review of this response.
7. The FCDO informed him of the outcome of the review on 3 April 2025. This upheld the application of the exemptions cited in the refusal notice and also explained that the information sought by parts 2 and 4 of the request, which asked for names for each/any end-users and ultimate end-users in Israel on the relevant applications, was also exempt from disclosure on the basis of section 27(1)(a) (international relations) of FOIA.

Scope of the case

8. The complainant contacted the Commissioner on 4 March 2025 to complain about the FCDO's refusal of his request and, at that stage, its failure to complete the internal review.

Reasons for decision

9. As well as submitting this request to the FCDO, the complainant submitted the exact same request to the Department for Business and Trade (DBT). In response to the request it received, DBT also NCND whether it held information falling within the scope of parts 1a) to 1e) on the basis of section 41(2) and 43(3) of FOIA. It also confirmed that it held information in the scope of parts 2, 3 and 4 but explained that it considered this to be exempt from disclosure on the basis of sections 41(1) and 43(2) of FOIA. In addition, DBT applied section 38(2) (health and safety) to part 1, and sections 38(1)(a) and (b) to parts 2, 3, and 4 of the request.
10. The complainant has also made a complaint to the Commissioner on 23 January 2025 regarding DBT's handling of the request it received, which has been considered under case reference IC-358214-V7Z6.
11. In its internal review, the FCDO explained that:

"Your request was for the names of the specific companies who were issued export licences that were suspended on 2 September 2024, as well as the ML rating, dates of issue and suspension, type of licence, and the end users for those licences. However, to provide the withheld information alongside the details within the export licences would release commercially sensitive information that has been provided to DBT in confidence by UK companies. The information held by FCDO is the same information held by DBT. We have been advised by DBT that

the release of this information would be an actionable breach of confidence due to the confidential nature of export licence applications and the information contained within them.”

12. The FCDO’s arguments to support the application of sections 41 and 43 to the request it received followed the rationale of DBT’s responses to the complainant and submissions to the Commissioner to support the application of the same exemptions it applied to the request it had received. Similarly, the complainant’s submissions in the FCDO complaint reflect the points he had made in his complaint to the Commissioner about DBT.
13. Therefore, for the purposes of this decision notice the Commissioner has not set out in detail the FCDO’s or complainant’s position. Nor has the Commissioner set out in detail why he accepts that the FCDO is entitled to refuse to confirm or deny whether it holds information falling within the scope of part 1 of the request on the basis of section 41(2) of FOIA, or why he accepts that the information sought by parts 2, 3 and 4 of the request is exempt from disclosure on the basis section 41(2) of FOIA.
14. Instead the Commissioner adopts the findings set out in his decision notice which considers the request submitted to DBT.¹ More specifically, for the reasons set out at paragraphs 10 to 39 of that decision notice he accepts that section 41(2) applies to part 1 of the request submitted to the FCDO and for the reasons set out at paragraphs 40 to 60 of that decision he accepts that section 41(1) applies to parts 2, 3 and 4 of the requests submitted to the FCDO.

Other matters

15. FOIA does not impose a statutory time within which internal reviews must be completed, albeit that the section 45 Code of Practice recommends that such reviews should be completed within a reasonable timeframe.²
16. The Commissioner expects that most internal reviews should be completed within 20 working days, and even for more complicated requests, reviews should be completed within a total of 40 working

¹ That decision notice, ie case reference IC-358214-V7Z6, has also been issued on 2 July 2025 alongside this decision notice.

² <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

days, unless there are legitimate reasons why a longer extension is necessary.³

17. The FCDO explained that provision of internal review beyond the timeframe set out in the Code of Practice was due to competing work priorities and the need to ensure that it responded appropriately to this sensitive request. It also explained that it would endeavour to respond within the required timeframe in future.

³ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/request-handling-freedom-of-information/#internal>

Right of appeal

19. 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)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

20. 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.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Jonathan Slee
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