

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 March 2025

Public Authority: Foreign, Commonwealth and Development Office

Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant has requested information relating to the chartering of a plane for the Foreign Secretary.
2. The Commissioner's decision is that the Foreign, Commonwealth and Development Office (FCDO) is entitled to redact the information withheld under section 24, national security; section 35(1)(d), the operation of any Ministerial private office; section 38, Health and Safety; and section 40(2), personal data.
3. The Commissioner does not require FCDO to take any steps.

Request and response

4. On 29 April 2024, the complainant wrote to FCDO and requested information in the following terms:

"I am writing to make a request under the Freedom of Information Act 2000 for information held by the Foreign, Commonwealth & Development Office (FCDO) regarding the decision-making process behind the selection of transportation for diplomatic tours, specifically focusing on the recent chartering of a £42 million VIP plane for a diplomatic tour of Central Asia by Foreign Secretary David Cameron.

1. Documentation outlining the decision-making process behind the selection of the £42 million VIP plane, including key factors considered such as cost-effectiveness, necessity, and diplomatic protocol.
2. If available, please provide a copy of the comparative cost analyses conducted between the chartering of the Embraer Lineage 1000 and alternative, more cost-effective transportation options for diplomatic tours, along with any conclusions drawn from the analyses.
3. A copy of your active policies, guidelines, or provisions aimed at promoting fiscal responsibility and efficient use of public funds in the context of selecting transportation for official government travel, highlighting the key principles and objectives".
5. Following the Commissioner issuing decision notice IC-312535-W6B8¹, FCDO provided its response on 2 August 2024. It confirmed that it held information relevant to the request.
6. FCDO confirmed that the information relevant to question 1 and 2 was being withheld in full under sections 24, national security, and section 40(2), personal data.
7. FCDO explained that section 10 of the Ministerial Code provides guidelines of how international travel arrangements for Ministers should be made by the Civil Service. It set out that under certain circumstances, non-scheduled flights may be authorised when a scheduled service is not available but the requirements of officials or Parliamentary business or security considerations preclude the journey being made by a scheduled service. FCDO stated that it was on the basis of this guidance that the decision-making process was conducted for the Foreign Secretary and provided a link to this guidance².
8. FCDO confirmed that it did not hold information falling within the scope of request 3 and suggested that the complainant contact the Cabinet Office.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4030377/ic-312535-w6b8.pdf>

² <https://www.gov.uk/government/publications/ministerial-code/ministerial-code#travel-by-ministers> The Commissioner notes that the Ministerial Code was updated following the change in Government (and since the FCDO's response) and therefore the information on this link has been updated since FCDO's response.

9. FCDO stated that it has been the practice of successive administrations not to publish granular information relating to the official movements of protected individuals and those accompanying them.
10. The complainant requested an internal review of the handling of the FCDO's response, a copy of which is included in annex A to this notice. This included over 100 arguments in favour of disclosure.
11. FCDO provided the outcome of its internal review on 1 October 2024. It upheld that sections 24(1) and 40(2) were engaged in relation to some of the information. FCDO introduced section 35(1)(d), operation of any Ministerial office, section 38, health and safety, and section 22, future publication, in relation to the remaining information.

Scope of the case

12. The complainant contacted the Commissioner on 1 October 2024 to complain about the way their request for information had been handled. They confirmed that they did not dispute the FCDO's position that no information is held falling within the scope of request 3. The complainant also confirmed that they were content for the names of junior officials to be redacted under section 40(2).
13. During the investigation, the small amount of information that had been withheld under section 22 was published³. This disclosed the overall cost of the cited tour. As this information is now in the public domain, the Commissioner has excluded from his investigation whether FCDO was entitled to withhold it.
14. The Commissioner therefore considers that the scope of his investigation is to determine whether FCDO is entitled to rely on the following exemptions to withhold the requested information:
 - Section 24(1) – National security
 - Section 35(1)(d) – Operation of any ministerial office
 - Section 38 – Health and Safety

³ <https://www.gov.uk/government/publications/fcdo-ministerial-gifts-hospitality-travel-and-meetings-april-to-june-2024>

- Section 40(2) – Personal data – for the information that is not employee names

Reasons for decision

Section 24: National Security

15. Section 24(1) states that:

“Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security”.

16. FOIA does not define the term ‘national security’. However, in *Norman Baker v the Information Commissioner and the Cabinet Office* (EA/2006/0045 4 April 2007) the Information Tribunal was guided by a House of Lords case, *Secretary of State for the Home Department v Rehman* [2001] UKHL 47, concerning whether the risk posed by a foreign national provided grounds for his deportation. The Information Tribunal summarised the Lords’ observations as follows:

- ‘national security’ means the security of the United Kingdom and its people;
- the interests of national security are not limited to actions by an individual which are targeted at the UK, its system of government or its people;
- the protection of democracy and the legal and constitutional systems of the state are part of national security as well as military defence;
- action against a foreign state may be capable indirectly of affecting the security of the UK; and,
- reciprocal co-operation between the UK and other states in combatting international terrorism is capable of promoting the United Kingdom’s national security.

17. Furthermore, in this context the Commissioner interprets ‘required for the purpose of’ to mean ‘reasonably necessary’. Although there has to be a real possibility that the disclosure of the withheld information would undermine national security, the impact does not need to be direct or immediate.

FCDO’s position

18. FCDO explained that the material held in scope of the request pertains to the decision-making process behind the selection of transportation for diplomatic tours. It explained that this information involves sensitive details about security arrangements and protocols. Disclosing such information could compromise national security by revealing vulnerabilities or strategies that could be exploited by malicious actors.
19. FCDO explained that the decision-making process for selecting transportation for diplomatic tours is a complex and highly sensitive task. It involves evaluating various factors such as the threat level in different regions, the specific security needs of the officials, and the logistical challenges of ensuring their safety.
20. FCDO considered that if this information were to be disclosed, it could provide malicious actors with insights into the security strategies employed, allowing them to identify potential weaknesses and plan attacks more effectively.
21. FCDO also explained that disclosure could contribute to a mosaic effect. It considered that even seemingly innocuous pieces of information, when combined with other publicly available data, could build up a comprehensive picture of the movement and planning for visits. FCDO set out that this could compromise security and limit future available options for ensuring the safety of its officials.

The Commissioner's position

22. Based on the submissions provided by FCDO and having reviewed the information, the Commissioner accepts that section 24(1) is engaged for the specific information redacted under this exemption.
23. The complainant has raised concerns that FCDO could have redacted sensitive information rather than withhold the entirety of it. The Commissioner can confirm that FCDO has not applied the exemption in a blanket manner and the section 24 redactions are focussed on a small amount of information.

Public interest test

24. Section 24 is a qualified exemption and therefore the Commissioner must consider whether in all the circumstances of the case the public interest in maintaining the exemption contained at section 24(1) outweighs the public interest in disclosing the information.
25. FCDO confirmed that when considering the balance of the public interest, the arguments in favour of disclosure include the importance of transparency and accountability in government operations. FCDO acknowledged that disclosure of information about the decision making

process behind the selection of transportation for diplomatic tours would allow the public to understand how decisions are made and ensure that public resources are being used effectively. It explained that transparency can also build public trust in government institutions by demonstrating that decisions are made based on sound reasoning and in the best interest of national security.

26. FCDO considered that while transparency and accountability are important, they should not come at the cost of compromising the safety and security of diplomatic personnel and operations. FCDO explained that the potential risks associated with disclosing sensitive security information far outweigh the benefits of transparency in this instance. FCDO considered that the protection of senior officials is paramount to ensure the continued effectiveness of diplomatic efforts and the protection of national interests. FCDO therefore considered that maintaining the exemption was deemed necessary to safeguard national security and the safety of diplomatic personnel.
27. The Commissioner acknowledges that Ministerial private jet use has attracted attention and criticism regarding the cost of this method of transport.
28. In this context, the Commissioner agrees that there is a public interest in disclosure of information in order to provide accountability and transparency in respect of the cost of such trips and wider issues such as the environmental cost. .
29. However, for the reasons set out above, the Commissioner accepts that disclosure of the withheld information would represent a genuine and direct security risk to the UK. As a result, he accepts that there is a significant and very weighty public interest in maintaining this exemption. Therefore, despite the acknowledged public interest in disclosure, he considers that this is significantly outweighed by the public interest in maintaining the exemption.

Section 35(1)(d): Operation of any Ministerial private office

30. Section 35(1)(d) states that:

“Information held by a government department or by the Welsh Government is exempt information if it relates to...

(d) the operations of any Ministerial private office”

31. Section 35(5) of FOIA defines a 'Ministerial private office' as meaning:

“any part of a government department which provides personal administrative support to a Minister of the Crown, to a Northern Ireland

Minister or a Northern Ireland junior Minister, or any part of the administration of the Welsh Government providing personal administrative support to the members of the Welsh Government”.

32. The exemption covers information that ‘relates to’ the operation of the private office with the phrase being interpreted broadly. However, this does not mean that all information with any link to a Ministerial private office is covered. Section 35(1)(d) refers specifically to the operation of a Ministerial private office, which itself is defined as providing administrative support. In other words, it covers information relating to the administrative support provided to a Minister.
33. As a consequence, this exemption is interpreted fairly narrowly. In effect, it is limited to information about routine administrative and management processes, the allocation of responsibilities, internal decisions about Ministerial priorities and similar issues.
34. The exemption is likely to cover information such as routine emails, circulation lists, procedures for handling Ministerial papers or prioritising issues, travel expenses, information about staffing, the Minister’s diary, and any purely internal documents or discussions that have not been circulated outside the private office.
35. FCDO confirmed that the private office in question was that of the then Foreign Secretary, Lord David Cameron. FCDO explained that the information withheld relates to the administrative arrangements within the private office of the Foreign Secretary, particularly concerning travel options, including details about the processes and considerations involved in organising and approving travel for the Minister.
36. Having reviewed the withheld information, the Commissioner accepts that it falls within the scope of this exemption. The information relates to the administration of the Foreign Secretary’s travel arrangements by his private office.

Public interest test

37. Section 35 is a qualified exemption and therefore the Commissioner must consider whether, in all the circumstances of the case, the public interest in maintaining the exemption contained at section 35(1)(d) outweighs the public interest in disclosing the information.

Public interest in favour of disclosing the information

38. FCDO recognised the general public interest in disclosure and that openness in government may increase public trust and engagement with the government. FCDO also acknowledged the public interest in understanding how Ministerial private offices operate, including how

decisions are made and ensure that public resources are being used effectively. FCDO explained that transparency can also build public trust in government institutions by demonstrating that decisions are made based on sound reasoning and in the best interest of national security.

39. The complainant provided the Commissioner with detailed arguments in favour of disclosure which align with the arguments provided in their request for internal review, as set out in annex A.

Public interest in maintaining the exemption

40. FCDO stated that the public interest in transparency must be weighed against a more substantial public interest in allowing Ministerial private offices to make arrangements for Ministerial travel to facilitate the most efficient and effective carrying out of ministerial business.
41. FCDO explained that ministers must rely on these arrangements and be confident that their staff members remain independent and do not allow extraneous considerations, such as presentational concerns or possible public perception, to affect their judgement in administering the private office. FCDO stated that there is also a strong public interest in ensuring that there is sufficient protected space around Ministers to support good decision making. FCDO considered that disclosing detailed information about the administrative arrangements could hinder the ability of the private office to operate efficiently and effectively.
42. FCDO considered that while transparency and accountability are important, they should not come at the cost of compromising the effective running of the Ministerial private office. FCDO stated that the potential risks associated with disclosing detailed administrative information far outweigh the benefits of transparency in this instance. It considered that ensuring the Ministerial private office can operate efficiently and effectively is paramount to support good decision-making and the overall functioning of the government.

Balance of the public interest

43. The Commissioner has carefully considered the information which has been withheld on the basis of section 35(1)(d), FCDO's submissions and his own guidance on this exemption.

44. The Commissioner's guidance on section 35(1)(d)⁴ states:

"There is no inherent or automatic public interest in withholding all information falling within this exemption. The relevance and weight of public interest arguments depends entirely on the content and sensitivity of the information in question and the effect of its release in all the circumstances of the case".

45. The guidance also provides the following advice in relation to the protection of officials:

"Some arguments may relate to the protection of civil servants. Such arguments must focus on how disclosure of information about civil servants harms good government. For example, that it would affect their perceived neutrality and undermine their future working relationships, or contribute to a chilling effect, or distract them from their primary task, or weaken the accountability of Ministers. However, these arguments do not generally carry much weight, as officials should not be easily deterred from doing their job".

46. The Commissioner considers that FCDO has provided relatively generic arguments which do not fully address why disclosure of the specific information would cause the harm envisaged.

47. The Commissioner agrees with the complainant that there is clearly a strong public interest in disclosure of information that explains how public funds are spent and the quality of the decision making when deciding when to use private air travel and whether the cost demonstrates value for money for the public purse. The Commissioner also acknowledges the complainant's detailed arguments in favour of disclosure set out at annex A.

48. However, having considered the withheld information, he considers that, while FCDO has not provided detailed arguments that specifically address the information itself, he accepts the relevance of the arguments provided in relation to the information.

49. *Montague v Information Commissioner and Department for International Trade* [2022] UKUT 104 (AAC) states that the correct point at which to assess the balance of the public interest is the point at which the public authority issued its refusal notice, or was required to issue a refusal notice if this was provided outside the statutory timeframe. In the

⁴ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-35-government-policy/#publicinterestfactors4>

specific circumstances of this request, whilst information on the overall cost of the travel has been disclosed, the time at which the Commissioner is required to consider the balance of the public interest is as it was at May 2024.

50. He notes that the request was made only three days after the tour had finished and the response was due twenty working days after this. Therefore, while it would not be a live issue as the diplomatic tour had ended, the requested information documented very recent discussions about the Foreign Secretary's travel arrangements.
51. The Commissioner considers that the information can be split into two different types with two different public interest considerations.
52. The first type of information being withheld relates to the costs and other information provided by suppliers regarding the potential travel arrangements and the discussions surrounding these.
53. The Commissioner considers that as set out above, there is a clear strong public interest in disclosure of information that would allow the public to scrutinise government spending and whether it is achieving value for money.
54. However, the Commissioner considers that this is countered by a stronger public interest in the ministerial private office being able to conduct candid discussions with both colleagues and suppliers in order to achieve that value for money.
55. The Commissioner notes that, at the time the public interest should be considered, FCDO had not yet published the cost of the tour but intended to do so as part of its routine expenditure disclosures.
56. The Commissioner acknowledges the complainant's concerns regarding the use of a 'private jet' for government business and that the Ministerial Code sets out that non-scheduled flights should only be used when necessary. However, the Commissioner notes that this tour of Asia had multiple stops between designations that do not all have direct scheduled routes available. The Commissioner is also mindful of the appropriate use of the Foreign Secretary's time and that of the team he is likely to have taken with him. In addition to not being diverted to additional stops on a scheduled flight, it is likely that the Foreign Secretary and his team would need to use the time travelling to discuss the upcoming meetings and work while on the flight. This would not be appropriate in public air travel.
57. The Commissioner also considered that disclosure of quoted costs and information from the suppliers may lead to these suppliers no longer

wishing to provide information in future discussions about procurement. The Commissioner accepts that disclosure of this information would be likely to reduce the candid discussions between the private office and suppliers, hampering the work of the office and potentially reducing the ability to achieve value for money.

58. The Commissioner considers that the public interest for this information is finely balanced, with strong public interest arguments on both sides. However, in the specific circumstances of this case, he is satisfied that the public interest just favours maintaining the exemption.
59. The remaining information exempt under section 35(1)(d) relates to the administrative considerations of the travel arrangements.
60. He considers that this has a weaker public interest in maintaining the exemption as it is basic administration and factual details about the tour. However, for the same reason, the Commissioner considers that the public interest in disclosure is correspondingly weaker. The information does not add to the public's understanding or scrutiny of the decisions made and does not address the concerns raised by the complainant.
61. The Commissioner again considers that the balance of the public interest is finely balanced for this information. However, in light of the recent nature of the information at the time the public interest should be considered, he is satisfied that the public interest in maintaining the effective running of the private office just outweighs that in disclosure of the information.
62. The Commissioner therefore finds that the balance of the public interest for all of the information exempt under section 35(1)(d) favours maintaining the exemption.

Section 38: Health and safety

63. Section 38(1)(b) of FOIA states:

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

(b) endanger the safety of any individual".

64. FCDO provided submissions regarding its reliance on section 38(1)(b) to withhold a small amount of information. The Commissioner will not repeat these submissions as to do so would reveal the contents of the withheld information.

65. FCDO confirmed that it was relying on the lower threshold of 'would be likely to' endanger. It explained that this is because the potential for harm does not need to be certain, but rather there needs to be a reasonable likelihood that harm 'could' occur. FCDO explained that in light of the nature of the information and potential consequences of its disclosure, it considered that disclosure would be likely to endanger individuals' health and safety.

The Commissioner's position

66. Having considered the withheld information and FCDO's submissions, the Commissioner is satisfied that disclosure of the small amount of information redacted under section 38 would be likely to endanger the safety of those travelling on official or diplomatic duties.

Public interest test

67. FCDO acknowledged the public interest in openness and transparency. However, it argued that protecting the safety of the relevant individuals is paramount and outweighs the benefits of transparency in this case.
68. The Commissioner agrees with this assessment and given the limited extent to which disclosure of the information withheld on the basis of section 38(1)(b) would inform the public interest in disclosure – including as set out by the complainant – he has concluded that the public interest favours maintaining the exemption.

Section 40: Personal data

69. Section 40(2) of FOIA provides that information is exempt from disclosure if it is the personal data of an individual other than the requester and where one of the conditions listed in section 40(3A)(3B) or 40(4A) is satisfied.
70. In this case, the relevant condition is contained in section 40(3A)(a)⁵. This applies where the disclosure of the information to any member of the public would contravene any of the principles relating to the processing of personal data ('the DP principles') as set out in Article 5 of the General Data Protection Regulation ('GDPR').
71. The first step for the Commissioner is to determine whether the withheld information constitutes personal data as defined by the Data Protection

⁵ As amended by Schedule 19 Paragraph 58(3) Data Protection Act.

Act 2018 ('DPA'). If it is not personal data then section 40 of FOIA cannot apply.

72. Secondly, and only if the Commissioner is satisfied that the requested information is personal data, he must establish whether disclosure of that data would breach any of the DP principles.

Is the information personal data?

73. Section 3(2) of the DPA defines personal data as:

"any information relating to an identified or identifiable living individual"

74. The two main elements of personal data are that the information must relate to a living person and that person must be identifiable.
75. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.
76. Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
77. The Commissioner notes that the complainant does not dispute the redaction of the names of junior officials, however, the requested information contains some contact details of junior officials which do not contain names.
78. In the circumstances of this case, the Commissioner is satisfied that the information relates to the individuals to which the emails and telephone numbers belong. These are the contact details of junior civil servants and therefore both relate to and identify these individuals. This information therefore falls within the definition of 'personal data' in section 3(2) of the DPA.
79. The fact that information constitutes the personal data of an identifiable living individual does not automatically exclude it from disclosure under FOIA. The second element of the test is to determine whether disclosure would contravene any of the DP principles.
80. In practical terms, the Commissioner looks at whether there is a legitimate interest in disclosure. If there is, he will look at whether disclosure is necessary to serve that interest or whether it can be served in a less intrusive way. If there is a legitimate interest and it cannot be served in a less intrusive way, we will balance that legitimate interest in

disclosure against the individual in question's interests or fundamental rights and freedoms. He will look at what the individual's reasonable expectations are about how their personal data will be used and what unwarranted harm or distress disclosure may cause.

81. In considering the application of section 40(2) to this information, the Commissioner has had regard to his own published guidance which set out the detail of how section 40 can apply to the personal data of public authority employees⁶. He also has had regard for his general guidance on the application of section 40 which sets out the general factors he must consider when looking at the application of this exemption⁷.
82. The Commissioner has made determinations on this matter in many previous decisions, two of which are referenced below⁸. These illustrate the tests he applies when considering section 40(2) with respect to the personal data of junior officials, which he has therefore not repeated here.
83. The Commissioner is satisfied that FCDO is entitled to rely on section 40(2) as its basis for withholding the contact details of junior officials. He considers that the disclosure is not necessary to fulfil any legitimate interest in disclosure and therefore would not be lawful under GDPR.

⁶ https://ico.org.uk/media/for-organisations/documents/1187/section_40_requests_for_personal_data_about_employees.pdf

⁷ <https://ico.org.uk/media/for-organisations/documents/1213/personal-information-section-40-regulation-13.pdf>

⁸ <https://ico.org.uk/media/action-weve-taken/decision-notice/2024/4029469/ic-262866-j1n5.pdf>
<https://ico.org.uk/media/action-weve-taken/decision-notice/2023/4024465/ic-174200-p5q0.pdf>

Right of appeal

84. 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

85. 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.
86. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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

Annex A

"Dear Foreign, Commonwealth & Development Office,

I am writing to demand an internal review of the deeply unsatisfactory response to my Freedom of Information (FOI) request, reference FOI2024/11875. This request pertains to the decision-making process behind the selection of transportation for diplomatic tours, specifically highlighting the recent and extravagant chartering of a £42 million VIP plane for a diplomatic tour of Central Asia by then Foreign Secretary David Cameron.

Your response not only cited several exemptions under the Freedom of Information Act 2000 but also egregiously dismissed our 30 compelling public interest reasons for releasing the information. This flagrant oversight is particularly alarming given the critical relevance of these reasons and the complete lack of a substantive public interest analysis in your response.

Section 24 (National Security):

Public interest analysis - absent from your refusal.

Section 24 is subject to the public interest test yet your response has failed to supply evidence that a substantive public interest test has actually been conducted.

Transparency does not equate to compromising security. By carefully redacting sensitive information while still providing overarching insights into decision-making processes, the FCDO can uphold national security interests while maintaining transparency and accountability. It's essential to strike a balance between transparency and security, ensuring that the public can understand the rationale behind decisions without endangering national security interests.

Relevant decision notices..

Reference: IC-202316-D7P2 (9 December 2022):

Authority: Foreign, Commonwealth & Development Office

This decision found that the FCDO failed to complete its public interest test deliberations within a reasonable time regarding correspondences and communications from high-profile officials. This decision supports our case by highlighting the ICO's insistence on timely responses, even when national security is cited, and the importance of providing substantive responses within statutory deadlines.

Reference: FS50717161 (31 May 2018):

Authority: Foreign and Commonwealth Office

In this case, the FCDO claimed national security concerns under Section 24(1) to withhold funding details related to the Quilliam Foundation. The ICO ruled that Section 24(1) was not engaged because the FCDO failed to adequately demonstrate how disclosing funding breakdowns could genuinely impact national security. This mirrors our case by illustrating that national security claims must be substantiated with specific, credible threats rather than broad assertions.

These decisions collectively demonstrate a pattern where the ICO expects detailed, specific justifications for withholding information under Section 24, and emphasises the importance of adhering to procedural requirements in the handling of FOIA requests. This trend supports a stronger stance against overly broad or inadequately substantiated claims of national security by the FCDO in our case.

Additional points:

1. Redaction Capability: Sensitive information can be redacted while still disclosing overarching decision-making processes.
2. Precedents: Previous disclosures under Section 24 have balanced national security with transparency.
3. Public Trust: Transparency in decision-making fosters public trust and accountability.
4. Non-Sensitive Insights: Non-sensitive insights into decision-making do not compromise security.
5. Legal Framework: The FOIA provides a framework for balancing transparency and security.
6. Specificity Required: General claims of national security are insufficient without specific, credible threats.
7. Oversight Mechanisms: Oversight mechanisms ensure that redactions do not compromise security.
8. International Standards: Other nations successfully balance transparency with security.
9. Public Interest: The public interest in understanding government decisions often outweighs potential security concerns.
10. Expert Opinions: Experts can assist in redacting sensitive information without compromising overall transparency.

Section 40 (Personal Information):

Your response has cited Section 40(2) and (3A)(a) to withhold information on your perception that it relates to the personal information of third parties and you apparently believe releasing it would contravene data protection principles.

It appears you have failed to consider that staff either working in or connected with the public sector inherently expect that limited amounts of

their personal data, such as their names, are still subject to release under the FOIA for purposes of accountability.

Decision notice relevant to our point:

Reference: IC-255758-N2C7 (22 November 2023)

Authority: Monmouthshire County Council

Request: Organisational chart for employees handling FOIA and subject access requests.

Ruling: The council's reliance on section 17(6) was not valid. The council was ordered to provide the information or issue a valid refusal notice.

Relevance: This case underscores that section 40 cannot be used to avoid transparency, especially when it involves information about staff roles and responsibilities that do not breach personal data protections.

Our Specific Case:

In our specific case, the names of people are irrelevant to our request and can be redacted. Section 40 cannot by definition apply to remaining material once personal information has already been redacted. This nullifies any remaining claims on Section 40.

Many decision notices have previously made this point:

Reference: IC-185633-L7F1 (29 August 2023)

Authority: Northern Ireland Assembly

Request: Information redacted from the Official Record of the Northern Ireland Assembly.

Ruling: The Assembly was required to disclose the withheld information, with some parts exempt under Section 40(2) but others not. The decision emphasises that once personal information has been redacted, remaining material cannot be withheld under Section 40.

Relevance: This case demonstrates that the application of Section 40(2) must be specific to personal data. After redacting personal data, any remaining non-personal information should not be withheld under Section 40.

Reference: IC-256179-W0Q0 (6 February 2024)

Authority: Office of the Police and Crime Commissioner for Cheshire

Request: Information about staff, specifically the number of staff employed, how many have served in the police, and their roles.

Ruling: The Commissioner ruled that Section 40(5) was not engaged as the request did not involve personal data. The decision confirms that the non-personal data remaining after redaction cannot be withheld under Section 40.

Relevance: This decision supports the argument that Section 40 should not be used to withhold non-personal information and that personal data must be redacted first before considering the exemption.

Reference: IC-244218-H9W3 (22 February 2024)

Authority: HM Treasury

Request: Correspondence with Hanbury Strategy regarding polling questions.

Ruling: Some personal data was rightly withheld under Section 40(2), but the Commissioner ordered the disclosure of the remaining information. The decision highlights that Section 40 cannot apply to non-personal data remaining after redaction.

Relevance: This ruling underscores the principle that Section 40 cannot be used to withhold information once personal data has been redacted.

Additional points:

1. Expectations of Public Sector Employees: Public sector employees expect limited personal data disclosure for accountability.
2. Redaction Process: Personal data can be redacted to protect privacy while disclosing non-personal information.
3. Transparency: Ensuring transparency in government operations is crucial for public trust.
4. Data Protection Principles: Redacting personal data complies with data protection principles while allowing for transparency.
5. Public Interest: The public interest in government accountability often outweighs privacy concerns.
6. ICO Guidelines: ICO guidelines support redacting personal data while disclosing remaining information.
7. Precedent Cases: Numerous cases have established that redacted information should be disclosed.
8. Balancing Act: Balancing transparency and privacy is possible through redaction.
9. Accountability: Transparency in decision-making processes ensures accountability.
10. Legal Compliance: Adhering to FOIA requirements while protecting personal data through redaction.

Our Disappointment:

We are profoundly dismayed by the FCDO's blatant disregard for a substantive public interest analysis, offering nothing more than a few vague and unsupported statements. This response is utterly unacceptable, particularly given that our Freedom of Information request meticulously outlined 30 specific public interest reasons for the release of this information and the support we gave you when you expressed difficulty in being able to comply with Section 10. The FCDO's dismissive approach suggests an alarming indifference to transparency and accountability, effectively conveying that the department is willing to overlook any amount of public interest arguments provided by requesters. This egregious neglect not only undermines the principles of the FOIA but also bolsters our case for escalation to the Information Commissioner's Office. It is imperative that the

FCDO rectifies this deficiency by conducting a thorough and meaningful public interest analysis, as mandated by law.

We remind you of the 30 public interest reasons for release of the requested information that your refusal ignored:

1. Transparency in government decision-making processes promotes accountability and strengthens public trust.
2. Taxpayers have a right to know how their money is being spent on official government travel.
3. Understanding the rationale behind transportation selection can help assess the efficiency of government spending.
4. Disclosure of cost comparisons between transportation options allows for scrutiny of fiscal responsibility.
5. Revealing the decision-making criteria promotes fairness and ensures equal treatment of all transportation options.
6. Analysis of cost-effective alternatives can inform future spending decisions and optimise resource allocation.
7. Access to information on diplomatic travel expenditures enhances public awareness of foreign policy priorities.
8. Knowledge of transportation selection procedures fosters informed public debate on government priorities.
9. Disclosure of policies promoting fiscal responsibility demonstrates commitment to prudent financial management.
10. Insight into transportation selection criteria aids in evaluating government efforts to minimise unnecessary expenses.
11. Understanding the trade-offs between luxury and cost-effective options informs discussions on budgetary priorities.
12. Public scrutiny of transportation spending encourages government officials to prioritise taxpayer interests.
13. Awareness of cost-saving measures promotes efficiency and accountability in government operations.
14. Disclosure of comparative cost analyses enables public evaluation of value for money in transportation expenditures.
15. Access to transportation selection policies empowers citizens to hold government officials accountable for their decisions.
16. Transparency in diplomatic travel arrangements strengthens democratic governance and oversight mechanisms.
17. Understanding the decision-making process enhances public confidence in government stewardship of public funds.
18. Knowledge of transportation selection criteria promotes fairness and consistency in decision-making.
19. Insight into cost-effective alternatives aids in identifying opportunities for savings and resource optimisation.
20. Disclosure of transportation spending practices fosters public engagement in discussions on government priorities.

21. Transparency in financial management promotes trust and credibility in government institutions.
22. Access to transportation selection policies enables stakeholders to assess compliance with legal and ethical standards.
23. Understanding the rationale behind transportation decisions informs public perceptions of government accountability.
24. Awareness of measures to promote fiscal responsibility demonstrates commitment to efficient use of taxpayer money.
25. Public access to transportation expenditure data supports efforts to combat wasteful spending and misuse of funds.
26. Insight into transportation selection criteria facilitates constructive dialogue on budgetary priorities and resource allocation.
27. Disclosure of cost-saving strategies encourages public participation in efforts to promote fiscal prudence.
28. Transparency in transportation spending enhances public understanding of government operations and responsibilities.
29. Access to transportation selection policies strengthens democratic governance by promoting accountability and transparency.
30. Knowledge of transportation spending practices supports efforts to improve government efficiency and effectiveness in delivering public services.

When creating our FOI request, we believed that providing 30 detailed public interest reasons for the release of this information was more than sufficient. However, given the FCDO's complete and unjustifiable disregard for these reasons, we find it necessary to eliminate any possibility of misunderstanding or oversight. Therefore, we are now presenting an unequivocal 100 public interest statements to make it absolutely clear and undeniable to the person conducting the internal review that the overwhelming public interest demands the release of this information. This exhaustive list leaves no room for ambiguity and underscores the critical importance of transparency and accountability in this matter.

Additional 70 Public Interest Reasons for Release:

31. Global Comparisons: Understanding how the UK's spending on diplomatic travel compares globally.
32. Policy Development: Informing the development of future transportation policies.
33. Environmental Impact: Evaluating the environmental impact of transportation choices.
34. Risk Management: Understanding risk assessments involved in transportation selection.
35. Historical Context: Providing historical context for current spending practices.
36. Future Forecasting: Aiding in forecasting future government spending needs.

37. Public Education: Educating the public on government decision-making processes.
38. Operational Efficiency: Evaluating the operational efficiency of transportation options.
39. Budget Justifications: Justifying budget allocations for transportation.
40. Inter-Departmental Accountability: Ensuring accountability across government departments.
41. Economic Impact: Assessing the economic impact of transportation spending.
42. Cultural Exchange: Understanding the role of transportation in facilitating cultural exchanges.
43. Legislative Oversight: Providing information for legislative oversight.
44. Stakeholder Engagement: Engaging stakeholders in discussions on government spending.
45. Resource Allocation: Optimising the allocation of resources for transportation.
46. Compliance Verification: Verifying compliance with government policies and regulations.
47. International Cooperation: Promoting transparency in international cooperation efforts.
48. Cost-Benefit Analysis: Conducting cost-benefit analyses of transportation choices.
49. Innovation Encouragement: Encouraging innovation in government spending practices.
50. Crisis Management: Understanding transportation decisions during crises.
51. Public Consultation: Involving the public in consultation processes on government spending.
52. Investment Evaluation: Evaluating investments in transportation infrastructure.
53. Public Safety: Ensuring public safety in transportation decisions.
54. Governance Improvement: Improving governance through transparency.
55. Fraud Prevention: Preventing fraud and corruption in government spending.
56. Strategic Planning: Aiding in strategic planning for government operations.
57. Policy Alignment: Ensuring alignment with broader government policies.
58. Performance Metrics: Developing performance metrics for transportation efficiency.
59. Procurement Practices: Evaluating government procurement practices.
60. Travel Necessity: Assessing the necessity of travel expenditures.
61. Government Priorities: Understanding government priorities in travel spending.
62. Public Discourse: Fostering public discourse on government spending.
63. Budget Reforms: Informing budget reforms for greater efficiency.
64. Ethical Standards: Upholding ethical standards in government spending.
65. Transparency Initiatives: Supporting transparency initiatives within the

government.

66. Public Relations: Improving public relations through transparent practices.
67. Financial Audits: Informing financial audits of government spending.
68. Operational Reviews: Conducting operational reviews for better spending practices.
69. Expenditure Tracking: Tracking government expenditures more effectively.
70. Legal Compliance: Ensuring legal compliance in spending practices.
71. Public Welfare: Enhancing public welfare through responsible spending.
72. Taxpayer Confidence: Building taxpayer confidence in government spending.
73. Government Accountability: Holding government accountable for its spending decisions.
74. Resource Conservation: Promoting resource conservation in government operations.
75. Infrastructure Development: Supporting infrastructure development decisions.
76. Cost Reduction: Identifying opportunities for cost reduction in government spending.
77. Financial Management: Enhancing financial management practices.
78. Budget Allocation: Informing budget allocation decisions.
79. Strategic Investments: Supporting strategic investments in government projects.
80. Operational Transparency: Promoting transparency in government operations.
81. Public Engagement: Engaging the public in government decision-making processes.
82. Government Reforms: Supporting government reforms for greater efficiency.
83. Policy Transparency: Ensuring transparency in policy-making processes.
84. Financial Transparency: Promoting financial transparency in government spending.
85. Efficiency Audits: Conducting efficiency audits of government spending.
86. Public Scrutiny: Allowing public scrutiny of government spending practices.
87. Government Efficiency: Enhancing government efficiency through transparency.
88. Transparency Standards: Upholding transparency standards in government operations.
89. Policy Evaluation: Evaluating the effectiveness of government policies.
90. Public Oversight: Strengthening public oversight of government spending.
91. Governance Standards: Upholding governance standards through transparency.
92. Resource Management: Improving resource management in government

operations.

93. Public Participation: Encouraging public participation in government spending decisions.

94. Ethical Governance: Promoting ethical governance through transparency.

95. Operational Integrity: Ensuring operational integrity in government spending.

96. Public Accountability: Enhancing public accountability in government spending.

97. Transparency Mandates: Complying with transparency mandates in government operations.

98. Budget Transparency: Promoting transparency in budgetary processes.

99. Government Credibility: Building government credibility through transparent spending.

100. Public Trust: Reinforcing public trust in government operations through transparency.

Request for Internal Review:

I demand that the FCDO thoroughly considers every point raised above and conducts an immediate internal review of the decision to withhold the requested information. Transparency in government decision-making is not merely a procedural formality but a cornerstone for fostering public trust, accountability, and democratic governance. The FCDO must fulfill its duty to the public by balancing transparency with legitimate concerns, thereby upholding its responsibilities without resorting to unwarranted secrecy.

Should your internal review uphold the previous decision, you are required to supply the comprehensive public interest test that was conspicuously absent in your initial refusal. Be advised that if your internal review fails to substantively address our points or diverts attention to irrelevant matters, we will escalate this issue to the Information Commissioner's Office without hesitation."