

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 3 August 2015

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) asking for copies of documents held by the British Embassy in Cairo which mentioned BP and related to the period May 1 2013 – August 31 2013. The FCO disclosed some information in response to this request but withheld further information on the basis of the exemptions contained at sections 21(1), 27(1)(a), 35(1)(a), 38(1)(b), 40(2) and 43(2) of FOIA. It also argued that if any of this information fell to be considered under the EIR then it was exempt from disclosure under regulation 12(5)(e).
2. The Commissioner's decision is that whilst the FCO is entitled to rely on some of these exemptions to withhold parts of the information, some of the exemptions are not engaged and thus the FCO must disclose such information in order to comply with the legislation. Given the volume of information falling within the scope of this request full details of the Commissioner's findings are set out in the attached annex.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Disclose to the complainant the documents the Commissioner has identified in the attached annex.
4. 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.

Request and response

5. The complainant submitted the following request to the FCO on 6 September 2013:

'A list of all documents held by the UK Embassy in Egypt that mention or relate to BP from May 1st 2013 – August 31st 2013, as well as the documents themselves including emails, meeting notes, briefings, eGrams or other documents.'

6. The FCO contacted the complainant on 4 October 2013 and explained that it held information falling within the scope of the request. However, it considered this information to be exempt from disclosure on the basis of sections 27 and 43 of FOIA and that it needed further time to consider the balance of the public interest test.
7. The FCO sent the complainant similar public interest test extension letters on the following dates: 1 November 2013, 3 December 2013, 31 December 2013, 24 January 2014 and 21 February 2014.
8. The FCO provided the complainant with a substantive response to his request on 20 March 2014. It provided him with redacted versions of a number of documents noting that information had been withheld on the basis of the exemptions contained at sections 27(1)(a), 38(1)(b), 40(2) and 43(2) of FOIA.
9. The complainant contacted the FCO on 22 April 2014 and asked it to conduct an internal review into its handling of this request. The complainant specifically asked the FCO to consider the following points when conducting the internal review:
- That some of the requested information should have been considered under the EIR rather than FOIA.
 - The FCO's failure to provide a list of the documents falling within the scope of the request.
 - The basis for concluding that sections 27, 38 and 43 were engaged.
 - Even if these exemptions were engaged, the public interest favoured disclosure of this information.
 - Provide clarification as to which exemptions had been applied to the various parts of the withheld information.
10. The FCO informed the complainant of the outcome of the internal review on 2 December 2014. The FCO explained that when conducting the

review it had located further documents which fell within the scope of this request. These documents were incorporated into the digest previously disclosed to the complainant and he was provided with this updated version. The FCO indicated in this digest the names of the each of the documents falling within the scope of the request – identified alpha-numerically as documents A to X1 – in addition to noting whether information had been redacted on the basis of sections 27, 38, 40 or 43 of FOIA or on the basis that information was considered to be out of scope. The internal review also concluded that the various exemptions relied upon to redact information from the digest provided on 20 March 2014 had been correctly applied.

11. The FCO provided the complainant with a further disclosure of information on 13 April 2015 once the Commissioner's investigation of this complaint was underway.

Scope of the case

12. The complainant contacted the Commissioner on 15 December 2014 about the FCO's handling of the request. The complainant asked the Commissioner to consider the following points:
 - Whether any of the information falls to be considered under the EIR rather than FOIA.
 - The FCO's reliance on the various exemptions within FOIA which it had cited to withhold information and indeed its potential reliance on regulation 12(5)(e) of the EIR.
 - The FCO's decision to redact some information on the basis that it falls outside the scope of the request.
13. The FCO has located a significant amount of documents falling within the scope of this request. For the sake of clarity, the Commissioner has compiled a schedule which states the FCO's position in relation to each document (including noting whether it has previously been disclosed to the complainant) and also the Commissioner's findings in relation to each document. This schedule is attached to the notice.

Reasons for decision

'Out of scope information'

14. As explained above, the FCO redacted information from its initial responses because it considered it to be out of scope. This was on the

basis that parts of some of the documents it had located did not mention or relate to BP.

15. In the Commissioner's view given that this particular request asked for copies of actual *documents* that mention or relate to BP – as opposed to asking simply for *information* that mentions or relates to BP – the entirety of any document which mentions or relates to BP falls within the scope of this request. Therefore the Commissioner explained to the FCO that it either needed to disclose this information to the complainant or cite an exemption to withhold this information. In response the FCO took these steps.¹

Section 27 – international relations

16. Section 27(1)(a) provides that information is exempt if its disclosure would, or would be likely to, prejudice relations between the UK and any other State.

The FCO's position

17. The FCO explained that section 27(1)(a) recognises that the effective conduct of public international relations depends upon maintaining trust and confidence between governments and organisations. It argued that disclosure of information detailing the UK's view of commercial organisations in Egypt and their operating environment would be likely to damage the UK's bilateral relationship with the Egyptian government. The FCO emphasised that the period covered by the request (1 May 2013 to 31 August 2013) was a particularly volatile time in Egyptian politics: following the July 2013 military intervention the former President, Mohammed Morsi, was removed from office and an interim government put in place, which in December 2013 proscribed the Muslim Brotherhood as a terrorist group. The political wing, the Freedom and Justice Party, previously led by Mohammed Morsi, was dissolved by an Egyptian Court in August 2014. The FCO explained that the information withheld under this exemption relates to political and security developments during this period both under former President Morsi's government and under the interim government which succeeded it. The FCO argued that the situation was, and remains, highly charged and it was firmly of the view that disclosure of the information could

¹ This information which was initially considered to be out of scope by the FCO is distinct from the various items listed in the annex which the Commissioner has determined to be out of scope. Such information is genuinely out of scope of the request because it either fails to mention BP or is out of the date range of the request.

have a negative impact on the UK's bilateral relationship which it was beginning to build with the current Egyptian government.

The Commissioner's position

18. In order for a prejudice based exemption, such as section 27(1)(a), to be engaged the Commissioner considers 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, 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.

19. 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*'.²

20. With regard to the first criterion of the three limb test described above, the Commissioner accepts that potential prejudice to the UK's relations with the Egypt clearly relates to the interests which the exemption contained at section 27(1)(a) is designed to protect.

² [Campaign Against the Arms Trade v The Information Commissioner and Ministry of Defence \(EA/2006/0040\)](#), paragraph 81.

21. With regard to the second criterion, given the political situation in Egypt at the point this request was submitted (September 2013) the Commissioner is satisfied that disclosure of the information which discusses the political and security situation over the preceding months in Egypt has the potential to harm the UK's relations with the Egyptian government that emerged following the July 2013 military intervention. The Commissioner is therefore satisfied that that there is a causal link between the potential disclosure of the withheld information and the interests which section 27(1)(a) is designed to protect. Moreover, the Commissioner is satisfied that the resultant prejudice which the FCO believes would be likely to occur can be correctly categorised, in light of the Tribunal's comments above, as real and of substance. In other words, subject to meeting the likelihood test at the third criterion, disclosure could result in making relations more difficult and/or demand a particular damage limitation exercise.
22. With regard to the third criterion, the Commissioner is satisfied that disclosure of the *majority* of the information that has been withheld on the basis of this exemption would be likely to prejudice relations between the UK and Egypt. This is because it contains information provided to the UK by Egypt, or information which was clearly provided with the expectation that it would be treated confidentially, or internal FCO/UK discussions about the situation in Egypt and its impact on commercial organisations such as BP. In the Commissioner's view, the nature of such information, coupled with the political situation in Egypt in September 2013, means that disclosure would clearly undermine the mutual trust and confidence between the UK and Egyptian governments. Such information is therefore exempt from disclosure on the basis of section 27(1)(a).
23. However, with regard to a small portion of the information withheld on the basis of section 27(1)(a), the Commissioner is of the view that the risk of prejudice occurring is merely hypothetical. This is either because the information is effectively in the public domain or because the FCO has not sufficiently explained why its disclosure would be likely to prejudice the UK's relations with Egypt. The Commissioner has identified such information, which he does not therefore consider to be exempt on the basis of section 27(1)(a), in the attached annex.

Public interest test

24. Section 27 is a qualified exemption and therefore the Commissioner must consider the public interest test in relation to the information which he accepts is exempt. The test is whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Public interest in disclosure of the information

25. The complainant advanced detailed submissions to support his view that there was a compelling public interest in disclosure of information that had been withheld by the FCO under the various qualified exemptions it had cited. The Commissioner has summarised these submissions below.
26. He argued that before the 2011 revolution, BP was particularly proud of its “strong relationships with the Egyptian government³”, boasting that it was the single largest foreign investor in the country and responsible for almost half of Egypt’s entire oil production, easily overshadowing all competitors. The complainant suggested that when there was a potential US Congress Resolution demanding that Mubarak (then President of Egypt) “hold fair elections, allow international monitoring of elections, and respect democracy and human rights,” the American Chamber of Commerce in Egypt, of which BP is a leading member, lobbied hard to successfully scupper the debate in Congress⁴.
27. Furthermore, the complainant noted that before the revolution, BP had plans to expand its operations, particularly its West Nile Delta offshore gas project that would cost \$9 billion⁵. He noted that BP has built relations with the new regime and, in September 2012, BP CEO Bob Dudley met with the then President of Egypt, Mohamed Morsi, to discuss and negotiate the West Nile Delta project, which will now cost \$11 billion⁶.
28. Against this background, the complainant highlighted the fact that the UK Embassy in Cairo recognizes, “Egypt has the potential to be the role model for many other states in the region,” and Britain is working to assist Egypt as it continues the process of rebuilding its new democratic regime. He argued that the relationship between the UK, BP and the Egyptian regime engages many of the issues that David Cameron has stated are priorities for development in Egypt: sustainable economic growth, political participation, freedom of expression, tackling corruption and providing access to justice. Consequently, the complainant argued that there is a public interest in disclosing information that would help

³ <http://platformlondon.org/2011/02/25/bp-support-for-mubarak-dictatorship-revealed/>

⁴ <http://platformlondon.org/2011/02/25/bp-support-for-mubarak-dictatorship-revealed/#sthash.luEwbmMR.dpuf>

⁵ <http://www.bp.com/en/global/corporate/press/press-releases/bp-signs-agreement-with-egyptian-ministry.html>

⁶ <http://www.sis.gov.eg/En/Templates/Articles/tmpArticles.aspx?ArtID=63692#.U1ZJEdlmFc>

these stated aims, and in the FCO's more general role in encouraging democracy in the country.

29. The complainant argued that despite the economic benefits that BP's investment in the West Nile Delta project could bring local communities have been concerned about the impacts of the onshore elements of the project - particularly a large gas plant. The complainant explained that when the community adjacent to the planned location protested and blocked BP's construction plans⁷, BP moved its planned gas plant further east, into a different area. The local community in this new location also protested, but faced a more violent crackdown. Protestors were tear-gassed and beaten, with 38 people arrested on trumped up charges⁸.
30. Consequently, the complainant argued that *"if any information within the scope of the request would shed light on whether, as during the Mubarak regime, the company was still supporting anti-democratic forces working within the country, there would also be a public interest in this information being disclosed"*.
31. The complainant argued that the contract between BP and the Egyptian state, renegotiated in 2010, is highly controversial and there is doubt over whether the revenue split was made in the Egyptian people's best interests⁹. Similar poor negotiations and corruption cost Egypt US\$10bn in lost revenue between 2005 and 2011¹⁰. This matter is currently being challenged in the Egyptian courts in a case taken by the architect and engineer who built the Alexandria Library¹¹. Disclosure of information relating to contracts between BP and Egypt would put the Egyptian people in a stronger position to negotiate and ensure a fair deal, hence encouraging the country's sustainable economic growth.
32. Furthermore the complainant argued that if any information within the scope of the request would shed light on whether, as during the Mubarak regime, the company was still supporting anti-democratic forces working within the country, there would also be a public interest in this information being disclosed. Once again, this would be in line with the UK government's stated aims of encouraging the growth of a healthy democracy in the Egypt.

⁷ <http://platformlondon.org/2013/06/25/winning-against-the-odds-how-an-egyptian-community-stopped-bp-in-its-tracks/>

⁸ <http://www.hmlc-egy.org/node/1811>

⁹ <http://weekly.ahram.org.eg/2010/1019/ec7.htm>

¹⁰ <http://madamasr.com/content/new-investment-law-leaves-door-wide-open-corruption>

¹¹ <http://madamasr.com/content/new-investment-law-leaves-door-wide-open-corruption>

33. The Egyptian regime was also, in the timeframe of the requested information, many months late in paying its debts to private oil companies, including \$3bn to BP alone¹². Disclosure of information that related to such matters would demonstrate whether the UK was properly balancing the interests of the economic growth of Egypt and its role as the host country of a company to whom debts are owed.

Public interest in favour of maintaining the exemption

34. The FCO emphasised that disclosure of the withheld information would seriously jeopardise the relationship it was beginning to build with the current Egyptian government and thus would damage the UK's security and moreover its ability to protect and promote UK interests in Egypt. The FCO argued that such an outcome was firmly contrary to the public interest.

Balance of the public interest

35. The Commissioner recognises that there is a legitimate public interest in the disclosure of information which would shed light on the UK's relations with Egypt, particularly during the period covered by the request given the significance of the events which took place. More specifically, the Commissioner accepts that there is a particular public interest in disclosure of information which reveals how the UK supports businesses abroad and how such work helps meet the FCO's stated aims, both in Egypt and in wider the region, during such a turbulent period. The public interest in the disclosure of the information should not therefore be underestimated as the disclosure of the withheld information – varied and detailed as it is – would go some way in meeting these interests.
36. With regard to the complainant's specific concerns regarding BP's operations in Egypt, and in particular the issues he highlighted concerning the West Nile project, again the Commissioner recognises that these raise significant and legitimate points. However, in the Commissioner's view, having examined the withheld information, the extent to which its disclosure would address these points is actually rather limited. This is due in part to the fact that, for the reasons discussed above, the request encompasses the entire content of all documents where BP is mentioned. Therefore, for many documents the reference to BP is a relatively minor or mere passing one and thus

¹² [http://www.pipelineme.com/news/regional-news/2013/04/egypt-owes-\\$5b-in-oil-gas-debt/](http://www.pipelineme.com/news/regional-news/2013/04/egypt-owes-$5b-in-oil-gas-debt/)

although a document may fall within the scope of the request, the majority of its content does not discuss BP.

37. With regard to the public interest in maintaining the information, the Commissioner believes that there is a strong public interest in the UK being able to maintain effective international relations with other States. In the circumstances of this case, the Commissioner accepts that this public interest attracts particular and significant weight as at the time of the request in September 2013 the UK was beginning to build relations with the new Egyptian government. Furthermore the Commissioner notes that disclosure of the information risks not only having a negative impact on the UK's prosperity interests in Egypt but also the UK's security interests. Consequently, whilst the Commissioner acknowledges that disclosure could provide a genuine insight into the UK's relations with Egypt at this time, he has concluded that the public interest favours maintaining the exemption provided by section 27(1)(a).

Section 38 – health and safety

38. The FCO argued that parts of the withheld information were exempt from disclosure on the basis of section 38(1)(b) of FOIA.

39. This section states that:

'(1) Information is exempt information if its disclosure under this Act would, or would be likely to...

...(b) endanger the safety of any individual.'

The FCO's position

40. In support of its reliance on this exemption the FCO explained that it related to information concerning how the FCO protects the interests of, and works for the safety of, UK citizens in distress overseas. It argued that disclosure of the information – given the operational nature of its content - would pose a significant risk to the personal safety of individuals in Egypt. The FCO provided more detailed submissions to the Commissioner which referenced the specific content of the information. For obvious reasons the Commissioner has not included such submissions in this notice. Disclosure of such information would be likely to cause the very harm the FCO is seeking to avoid. The FCO explained that it considered this exemption to be engaged at the higher threshold, ie that disclosure of the information would endanger the safety of individuals.

The Commissioner's position

41. The Commissioner's approach to the term 'endangerment' is similar to that to the term 'prejudice'. Therefore the three limb test set out at paragraph 18 has to be met in order for the exemption to be engaged.
42. 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 exemption contained at section 38(1)(b) is designed to protect.
43. With regard to the second criterion, the Commissioner accepts that disclosure of the withheld information, given its specific and operational nature and the situation in Egypt at the time of the request, has the potential to endanger the safety of individuals. Moreover, taking the same factors into account, the Commissioner is satisfied that it is more likely than not that such prejudice would occur. The third criterion is therefore met and the exemption contained at section 38(1)(a) is engaged. The only exception to this finding is in relation to document 11. The Commissioner is not persuaded that the disclosure of the content of this document, focusing as it does on overarching developments in the FCO's approach to crisis management rather than the specific situation in Egypt, would harm an individual. This document is not therefore exempt on the basis of section 38(1)(b).

Public interest test

44. Section 38 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.
45. The FCO acknowledged that disclosure of the information withheld under this exemption would demonstrate how it discharges one its key areas of responsibility, namely protecting the interests and safety of citizens abroad. However, it considered that there was a compelling public interest in withholding such information in order to ensure the safety of such individuals.
46. Having reviewed the withheld information, and taking into account the situation in Egypt, the Commissioner agrees that the public interest favours maintaining the exemption. Although disclosure would provide an insight into how the FCO discharges one its key functions in Egypt, in his view this benefit is significantly outweighed by the risks to individuals in that country. In reaching this conclusion, the Commissioner wishes to emphasise, given the terms of the request in this case, that in his opinion disclosure of such information would not

reveal details of any significant interactions with BP that would in any way address the specific concerns expressed by the complainant.

Section 43(2) – commercial interests

47. The FCO also argued that some of the information was exempt from disclosure on the basis of section 43(2) which states that:

'Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).'

The FCO's position

48. The FCO argued that disclosure of the information withheld under section 43(2) would harm the commercial interests of BP, other British companies, and also the UK's global commercial interests. The FCO argued that it considered the exemption to be engaged at the higher threshold as disclosure "would" prejudice commercial interests.
49. In support of this position, the FCO argued that by working closely and in confidence with BP and other British companies, they were able to share relevant political, economic and commercial information which helps them achieve their respective objectives and support the UK's wider security and prosperity interests. The FCO argued that if it were to release this information BP would regard it as a breach of trust and withdraw co-operation which could damage the UK's global commercial interests and deter other companies from collaborating with the government. The FCO suggested that as a result other companies would also, as a result, be reluctant to share information and support the UK's wider objectives.
50. The FCO explained that BP had specifically stated that it considered any discussions between BP and the British Embassy in Cairo and between BP and any Egyptian government representative to be commercially sensitive, particularly given the events in Egypt in recent years. The FCO suggested that disclosure of the withheld information would damage BP's reputation and its ability to liaise with the current Egyptian government and possibly any future government, as the release of the information would deter future communications between industry and government officials.
51. The FCO provided the Commissioner with copies of correspondence between the FCO and BP as evidence to support these arguments.

The Commissioner's position

52. As with section 27(1)(a), as section 43(2) is prejudiced based exemption the three limb test set out at paragraph 18 has to be met in order for the exemption to be engaged.
53. With regard to the first criterion the Commissioner accepts that the nature of the prejudice envisaged by the FCO is that which the exemption contained at section 43(2) is designed to protect against.
54. With regard to the second criterion, the Commissioner is satisfied that the information withheld on the basis of this exemption clearly relates to the commercial activities of either BP, or other private companies, or indeed as the FCO refers to it, the global commercial interests of UK. Given the nature of the discussions and the commercial working environment in Egypt at the period covered by the request, the Commissioner accepts that there is a causal link between the potential disclosure of the withheld information and the interests which section 43(2) is designed to protect. Moreover, the Commissioner is satisfied that the resultant prejudice which the FCO believes would occur can be correctly categorised as real and of substance.
55. With regard to the third criterion, the Commissioner is satisfied that disclosure of the *some* of the information that has been withheld on the basis of this exemption would prejudice either BPs' commercial interests, those of other companies or those of the UK. This is either because the information contains clearly commercially sensitive information, relating to a particular company's activities, or because there is a clear evidential link between the nature of the information held and its ability to impact on the commercial interests of a particular party. Such information is therefore exempt on the basis of section 43(2).
56. However, for some of the information withheld on the basis of this exemption, the Commissioner is of the view that the risk of prejudice occurring is merely hypothetical. This is either because the information is effectively in the public domain or because the FCO has not sufficiently explained why its disclosure would prejudice the commercial interests of a particular party. The Commissioner has identified such information, which he does not therefore accept is exempt from disclosure on the basis of section 43(2), in the attached annex.

Public interest test

57. Section 43 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.

58. The FCO acknowledged that there is a public interest in transparency and more specifically in gaining an insight into how the FCO interacts with commercial organisations. However, it argued that there was significant public interest in withholding this information in order to ensure that the commercial interests of third parties were not harmed, in addition to allowing the FCO to meet its various objectives through confidential commercial discussions with such organisations.
59. In the Commissioner's opinion disclosure of the information that he has determined is exempt on the basis of section 43(2) of FOIA would provide an informative insight into how the FCO liaised with BP, and indeed with other commercial organisations, operating in Egypt during this particular time. In light of the significance of the events in Egypt during the time period covered by the request and indeed bearing in mind the points raised by the complaint, the Commissioner believes that the weight attributed to the arguments in favour of disclosure should not be underestimated. However, the Commissioner believes that there is a strong public interest in ensuring that the commercial interests of third parties are not harmed. He also accepts that the FCO's ability to fulfil its objectives depends, in part, on its ability to liaise with commercial organisations in a confidential manner. Moreover, the Commissioner is conscious that disclosure risks undermining the nature of such discussions in the future, not only between BP and the FCO but also more broadly. In light of this, and despite the public interest in disclosing the information, the Commissioner has concluded that the balance of the public interest favours maintaining the exemption.

Section 21

60. During the course of the Commissioner's investigation the FCO argued that some of the withheld information was exempt from disclosure on the basis of section 21 of FOIA.
61. This exemption states that information is exempt if it is reasonably accessible to an applicant via other means. The FCO argued that the information which it had sought to withhold on the basis of section 21 was exempt because it was already in the public domain and thus accessible to the complainant.
62. With regard to the availability of information in the public domain, the Commissioner considers that section 21 can only be correctly cited by a public authority if the public authority:
- knows that the applicant has already found the information; or
 - is able to provide the applicant with precise directions to the information so that it can be found without difficulty.

63. The Commissioner accepts that the information withheld on the basis of this exemption is the public domain. However, the FCO has failed to provide the complainant with directions on how to locate this information. Therefore the information in question is not exempt from disclosure on the basis of section 21. The only exceptions to this finding are in relation to items 83 and 84, because at the internal review stage the FCO provided the complainant with the titles of these documents and gave details of the website on which they could be found.

Section 40 – personal data

64. 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).

65. 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.'

66. The FCO withheld the names and contact details of junior officials and similar information about third parties. The Commissioner accepts that the withheld names constitute personal data within the meaning of section 1 of the DPA as they clearly relate to identifiable individuals.

67. The FCO argued that disclosure of such information 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.'

68. 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?
69. 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.
70. 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.
71. The FCO argued that individuals both in its organisations and in other government departments below a senior position have an expectation of privacy and would not expect their names to be disclosed. The FCO also argued that there was no legitimate pressing social need to disclose their identities. Similarly, it argued that third parties who are referred to in the requested information would not expect their names to be revealed.

72. The Commissioner accepts that the junior officials would have had a reasonable expectation that their names will not be disclosed in the context of the request. He accepts that the individuals concerned were carrying out public functions and must therefore have the expectation that their actions in that regard will be subject to a greater scrutiny than would be the case in respect of their private lives. However, he is particularly mindful of the fact that the officials were not in public facing roles and did not exercise any significant level of authority in relation to the documents from which their names were redacted. Therefore, there is very little legitimate interest in disclosing their names.
73. In view of the above, the Commissioner finds that it would have been unfair to disclose the names of the junior officials in question. Disclosure would have contravened the first data protection principle. The FCO was therefore entitled to withhold the names of the officials on the basis of section 40(2).
74. With regard to the personal data of non-FCO third parties, the volume of information falling within the scope of the request means that the third parties are linked to a range of different organisations (eg Egyptian officials or commercial organisations) and the information relates to a range of different scenarios. However, the Commissioner is satisfied from the content of the information –that those individuals would all have had a reasonable expectation that their names and contact details would not be disclosed under FOIA. In light of such an expectation the Commissioner accepts that disclosure of the information would breach the first data protection principle and thus such information is exempt from disclosure on the basis of section 40(2) of FOIA. In addition, for completeness, he does not consider that any Schedule 2 condition, as referred to in paragraph 67 above, could apply in the circumstances of this case.

Applicability of the EIR

75. During the course of the Commissioner's investigation the FCO acknowledged that item 26 in the attached schedule could be regarded as constituting environmental information, as defined by the EIR. The Commissioner agrees with this assessment. He has also reviewed the remainder of the requested information and is satisfied that the remainder all falls to be considered under FOIA rather than under the EIR.

Regulation 12(5)(e)

76. The FCO argued that item 26 was exempt from disclosure under the EIR on the basis of regulation 12(5)(e).

77. This regulation states that a public authority may refuse to disclose information to the extent that its disclosure would affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.
78. In order for the exception to be engaged, four criteria must be met:
- The information is commercial or industrial in nature.
 - Confidentiality is provided by law.
 - The confidentiality is protecting a legitimate economic interest.
 - The confidentiality would be adversely affected by disclosure.

The FCO's position

79. In submissions to the Commissioner the FCO merely stated that it considered this exception to apply because it was part of a commercial exchange undertaken in confidence.
80. Despite the paucity of the FCO's submissions, the Commissioner is satisfied that item 26 is clearly exempt on the basis of regulation 12(5)(e). The information discusses matters of a commercial nature and the information was obviously shared with the FCO in the expectation that it would be treated confidentially. Furthermore, it is clear that disclosure of the information would harm the commercial interests of the party who confided the information.

Public interest test

81. Regulation 12(5)(e) is a qualified exception and therefore the Commissioner must consider whether the public interest in maintaining the exception outweighs the public interest in disclosing the requested information.
82. For similar reasons to those outlined in respect of the public interest in relation to section 43(2), the Commissioner has concluded that the balance of the public interest in relation to the information to which regulation 12(5)(e) applies favours maintaining the exception.

Right of appeal

83. 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

84. 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.
85. 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

Graham Smith
Deputy Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

Item number	Redacted/ Withheld/ out of scope	Exemption applied by FCO	Previous release reference	Commissioner's finding	Steps required?
1	Withheld	Sections 27(1)(a) and 43(2)		Entire document exempt under section 27(1)(a)	No
2	Redacted	Section 40(2)	3A (disclosed in March 2014)	Redactions exempt under section 40(2)	No
3	Redacted	Section 40(2)	3C (disclosed in March 2014)	Redactions exempt under section 40(2)	No
4	Withheld	Sections 27(1)(a), 40 & 43(2)		Entire document exempt under section 27(1)(a)	No
5	Withheld	Section 43(2) and 40(2)		Entire document exempt under section 43(2)	No
6	Withheld	Sections 27(1)(a), 40 and 43(2)		Entire document exempt under section	No

				27(1)(a)	
7	Withheld	Sections 27(1)(a), 40(2) & 43(2)		Entire document exempt under section 27(1)(a)	No
8	Withheld	Sections 27(1)(a), 40(2) and 43(2)		Entire document exempt under section 27(1)(a)	No
9	Withheld	Sections 27(1)(a), 40(2) and 43(2)		Entire document exempt under section 27(1)(a)	No
10	Withheld	Sections 27(1)(a) and 43(2)		Entire document exempt under section 27(1)(a)	No
11	Redacted version disclosed	Section 38(1)(a), Section 40	Disclosed in March 2014 as document 1.	Section 38(1)(a) not engaged. Section 40(2) can be used to withhold names and contact details.	Yes. Document needs to be disclosed albeit with names and contact details redacted on the basis of section 40(2).
12	Redacted	Section 40	Disclosed as documents 7B and 7C in March	Section 40(2) applies to redactions.	No

			2014 and as document G at internal review stage.		
13	Withheld	Section 21 applied to first paragraph. Whole document marked as exempt but no exemption cited.		Section s21 not apply to first paragraph as complainant was not provided with details of where to locate this information. As the FCO did not cite any specific exemptions to withhold the remainder of the document, this needs to be disclosed.	Yes, document needs to be disclosed.
14	Withheld	Sections 27 (1) (a),40 & 43(2)		Entire document exempt under section 27(1)(a)	No
15	Redacted	Sections 40(2) and	Disclosed as	Section 21 not engaged as	No. Only parts of document not

		21	document 4A in March 2014	complainant not provided with clear link to specific information. Section 40(2) can be used to withhold names/contact details.	previously disclosed are those parts which are exempt on the basis of section 40(2).
16	Withheld	Section 21		Section 21 not engaged as complainant not provided with clear link to specific information.	Yes, document needs to be disclosed.
17	Redacted	section 40	Disclosed as document 5A and 5B in March 2014.	Redactions exempt under section 40(2)	No
18	Redacted	Sections 38(1)(b) and 40(2)	Disclosed as document 6A in March 2014.	Redactions information exempt under sections 38(1)(b) and 40(2)	No

19	Redacted	Section 40(2)	Originally disclosed as document 2A in March 2014. Redacted version also disclosed in April 2015	Redactions exempt under section 40(2).	No
20	Redacted	Section 40(2)	Redacted version disclosed in April 2015	Redactions exempt under section 40(2)	No
21	Withheld	Possible section 21 plus Section 40		Section 21(1) not engaged. Section 40(2) only apply to names of individual.	Yes, document needs to be disclosed with name of individual redacted on basis of section 40(2).
22	Withheld	Sections 27(1)(a) 43(2)		Entire document exempt under section 27(1)(a)	No

23	Withheld	Sections 27(1)(a) & 43(2)		Entire document exempt under section 27(1)(a)	No
24	Withheld	Section 27(1)(a) and 43(2)		Entire document exempt under section 27(1)(a)	No
25	Withheld	Section 43(2)		Entire document exempt under section 43(2)	No
26	Withheld	Section 43(2) or reg 12(5)(e)		EIR - exempt under reg 12(5)(e)	No
27	Withheld	Sections 27(1)(a), 40(2) and section 43(2)		Entire document exempt under section 27(1)(a)	No
28	Withheld	Sections 27(1)(a), 40(2) and section 43(2)		Information exempt is exempt under one or more of these exemptions.	No
29	Withheld	Sections 27(1)(a) and 43(2)		Entire document exempt under s27(1)(a)	No
30	Withheld	Section 27(1)(a)		Entire document exempt under section	No

				27(1)(a)	
31	Withheld	Section 27(1)(a) and 43(2)		Entire document exempt under section 27(1)(a)	No
32	Withheld	Section 38, Section 41 and Section 43(2)		Withhold under section 38(1)(a)	No
33	Redacted	Section 40	A (at internal review stage) – further version also disclosed to complaint in April 2015	Section 40(2) applies to redactions	
34	Out of scope			Agree, out of scope	N/A
35	Out of scope			Agree, out of scope	N/A
36	Redacted	Section 40(2) and section 38(1)(b)	B (at internal review)	Redacted information exempt under section 38(1)(b)	No

			stage)		
37	Redacted	Section 40	C(at internal review stage)	The name of the 'other company' is not personal data and thus not exempt under section 40(2). Names and contact details of individuals are exempt under section 40(2).	Yes, document needs to be disclosed with name of company unredacted.
38	Duplicate of 31				N/A
39	Withheld	Sections 27(1)(a) and 43(2)		Entire document exempt under section 27(1)(a)	No
40	Redacted	Sections 40(2) and section 43(2)	D (at internal review stage)	Company names exempt under section 43(2) and names and contact details of individuals exempt under section 40(2). However, remainder of document is not exempt and needs to be disclosed.	Yes, document needs to be disclosed with only redactions being those indicated on basis of sections 40(2) and 43(2).
41	Duplicate of				N/A

	14				
42	Redacted	Section 40	E (at internal review stage)	Redacted information is exempt under section 40(2).	No
43	Redacted	Sections 27(1)(a), 40(2), and 43(2).	F (at internal review stage)	Redacted information is exempt under a combination of these exemptions.	No
44	Withheld	Sections 38(1)(b) and 43(2)		Exempt under section 38(1)(a)	No
45	Withheld	Sections 38(1)(b) and section 40		Exempt under section 40(2)	No
46	Duplicate of 43				N/A
47	Withheld	Sections 38(1)(b) and section 43 (2)		Exempt under section 38(1)(b)	No
48	Withheld	Sections 38(1)(b), 40(2) and 43(2)		Exempt under section 38(1)(b)	No
49	Withheld	Section 27(1)(a), 40 and 43(2)		Entire document exempt under section 27(1)(a)	No

50	Duplicate of 12		G (at internal review stage)		
51	Redacted	Section 27(1)(a), 40 and 43(2)	H (at internal review stage)	Names of companies exempt under section 43(2) and names of individuals exempt under section 40, but remainder of document is not exempt.	Yes, document needs to be disclosed with only redactions being those indicated on basis of sections 40(2) and 43(2).
52	out of scope			Agree, out of scope.	N/A
53	Withheld	Section 40		Entire document exempt under section 40(2)	No
54	Withheld	Section 27(1)(a), 40 and 43(2)		Duplicate	N/A
55	Withheld	Section 27(1)(a), 40 and 43(2)		Duplicate of information in item 51	N/A
56	Withheld	Section 27(1)(a)		Document is actually out of scope.	N/A
57	Withheld	Section 27(1)(a),		Same information as	N/A

		40 and 43(2)		contained in items 51.	
58	Withheld	Section 27(1)(a), 40 and 43(2)		Duplicate of information in item 51	N/A
59	Redacted	Section 40	I (at internal review stage)	Redacted information is exempt under section 40(2).	No
60	Redacted	Section 40	J (at internal review stage)	Redacted information is exempt under section 40(2).	No
61	Redacted	Section 40	K (at internal review stage)	Redacted information is exempt under section 40(2).	No
62	Redacted	Section 40	L (at internal review stage)	Redacted information is exempt under section 40(2).	No
63	Redacted	Section 40	M (at internal review stage)	Redacted information is exempt under section 40(2).	No

64	Withheld	Section 40		Redacted information is exempt under section 40(2).	No
65	Reference provided	Sections 21 and 41	N (at internal review stage)	Document is actually out of scope, no reference to BP	N/A
66	Withheld	Section 21 and Section 40		Section 21(1) is not engaged as FCO didn't provide sufficient details to locate information. It follows that section 40(2) cannot apply if the rationale for citing section 21 is that information is in public domain.	Yes, document needs to be disclosed.
67	Withheld	Section 21 and Section 40		Section 21(1) is not engaged as FCO didn't provide sufficient details to locate information. It follows that section 40(2) cannot apply if the rationale for citing section 21 is that	Yes, document needs to be disclosed.

				information is in public domain.	
68	Redacted	Section 27(1)(a) and Section 40	O (at internal review stage)	Redactions exempt under section 40(2) or 27(1)(a)	No
69	Redacted	Section 27(1)(a), 40 and 43(2)	P (at internal review stage)	Redacted information is exempt under section 40(2) or section 43(2).	No
70	Redacted	Section 40	Q (at internal review stage)	Redacted information exempt under section 40(2)	No
71	Redacted	Section 40 and Section 27(1)(a)	R(at internal review stage)	Redacted information is exempt under a combination of these exemptions.	No
72	Redacted	Section 27(1)(a) and Section 40	S (at internal review stage)	Redacted information is exempt on basis of Section 40(2)	No
73	Redacted	Section 21	T (at internal review)	Section 21(1) not engaged as complainant not	Yes, document needs to be disclosed.

			stage)	provided with link to information.	
74	Redacted	Section 40 and 27(1)(a)	U (at internal review stage)	Redactions exempt on basis of section 40(2)	No
75	Redacted	Section 41 and 43(2)	V (at internal review stage)	Redactions exempt on basis of section 43(2)	No
76	Redacted	Section 38(1)(a), Section 40 and Section 41	W (at internal review stage)	Redactions exempt on basis of section 38(1)(a)	No
76a	Withheld	Section 38(1)(a), Section 40 and Section 41		Exempt under section 38(1)(a)	No
76b	Withheld	Section 38(1)(a), Section 40 and Section 41		Exempt under section 38(1)(a)	No
76c	Withheld	Section 38(1)(a), Section 40 and Section 41		Exempt under section 38(1)(a)	No

76d	Withheld	Section 38(1)(a), Section 40 and Section 41		Exempt under section 38(1)(a)	No
76e	Withheld	Section 38(1)(a), Section 40 and Section 41		Exempt under section 38(1)(a)	No
76f	Withheld	Section 38(1)(a), Section 40 and Section 41		Exempt under section 38(1)(a)	No
76g	Withheld	Section 38(1)(a), Section 40 and Section 41		Exempt under section 38(1)(a)	No
76h	Withheld	Section 38(1)(a), Section 40 and Section 41		Exempt under section 38(1)(a)	No
77	duplicate			DUPLICATE	N/A
78	Redacted	Section 21	X (at internal review stage)	Section 21 not engaged, not provided link to information.	Yes, document needs to be disclosed.
79	Withheld	Sections 27(1)(a), 40 and 43(2)		Exempt under a combination of these exemptions	No

80	Withheld	Sections 40 and Section 27(1)(a)		Exempt under a combination of these exemptions	No
81	Withheld	Sections 40 and Section 27(1)(a)		Exempt under a combination of these exemptions	No
82	Out of scope	Out of scope		Out of scope, no reference to BP	N/A
83	reference provided	Section 21	Y (at internal review stage)	Section 21 engaged as complainant was provided with link to information.	No
84	reference provided	Section 21	Y (at internal review stage)	Section 21 engaged as complainant was provided with link to information.	No
85	reference provided	Out of scope	Z (at internal review stage)	Out of scope, no reference to BP	N/A
86	out of scope	Out of scope		Out of scope, no reference to BP	N/A
87	out of scope	Out of scope		Out of scope, no	N/A

				reference to BP	
88	out of scope	Out of scope		Out of scope, no reference to BP	N/A
89	out of scope	Out of scope		Out of scope, no reference to BP	N/A
90	out of scope	Out of scope		Out of scope, no reference to BP	N/A
91	out of scope	Out of scope		Out of scope, no reference to BP	N/A
92	out of scope	Out of scope		Out of scope, no reference to BP	N/A
93	out of scope	Out of scope		Out of scope, no reference to BP	N/A
94	out of scope	Out of scope		Out of scope, no reference to BP	N/A
95	out of scope	Out of scope		Out of scope, no reference to BP	N/A
96	out of scope	Out of scope		Out of scope, no reference to BP	N/A
97		Section 40	VI (at internal	Disclose with name/contact details	Yes, document needs to be disclosed with

			review stage)	for UKTI contact exempt under section 40.	only name and contact details of individual being redacted on basis of section 40(2)
98	Withheld	Section 27(1)(a)		Exempt under section 27(1)(a)	No
99	Withheld	Section 27(1)(a)		Exempt under section 27(1)(a)	No
100	Withheld	Section 27(1)(a)		Exempt under section 27(1)(a)	No
101	Duplicate of 8				N/A
102	Withheld	Sections 27 (1) (a) & 43(2)		Exempt under s27(1)(a)	No
103	Duplicate of 23				N/A
104	Withheld	Section 27(1)(a)		Exempt under section 27(1)(a)	No
105	Duplicate of 14				N/A
106	Duplicate of				N/A

	11				
107	Duplicate of 79				N/A
108	Redacted	Section 40	A1 (at internal review stage)	Only staff details are exempt under section 40(2).	Yes, document needs to be disclosed with only information being redacted as indicated.
109	Duplicate of 108				N/A
110	Withheld	Section 27(1)(a), 40 and 43(2)		Exempt under a combination of these exemptions	No
111	Duplicate of 110				N/A
112	Withheld	Section 40		Exempt under section 40(2).	No
113	Withheld	Section 40, Section 38		Exempt under section 38(1)(a).	No
114	out of scope			Out of scope, no reference to BP.	N/A

115	Redacted	Section 43(2)	B1 (at internal review stage)	Section 43(2) not engaged: withheld information is simply based on newspaper clippings and thus in public domain.	Yes, document needs to be disclosed.
116	Redacted	Section 27(1)(a), and 43 (2)	C1 (at internal review stage)	Exemptions not engaged. Nature of prejudice envisaged in relation to both is purely hypothetical.	Yes document needs to be disclosed.
117	Duplicate of 97				N/A
118	Duplicate of 97				N/A
119	out of scope			Out of scope, no reference to BP	N/A
120	Duplicate in attachments in 68				N/A
121	Withheld	Section 43(2), Section 27 (1)(a)		Exempt under these exemptions.	No
122	Withheld	Sections 41 and		Exempt under section	No

		43(2)		43(2).	
123	Withheld	Section 40		Exempt under section 40(2)	No
124	Redacted	Section 40, Section 43(2)	D1 (at internal review stage)	Section 43(2) not engaged as likelihood of prejudice occurring is merely hypothetical. Section 40(2) applies to names/contact details.	Yes, document needs to be disclosed with only redactions made being those allowed on basis of section 40(2).
125	Withheld	Section 40, Section 43(2)		Section 43(2) not engaged as likelihood of prejudice occurring is merely hypothetical. Section 40(2) applies to names/contact details.	Yes, document needs to be disclosed with only redactions made being those allowed on basis of section 40(2).
126	Duplicate of 125				N/A
127	Duplicate of 125				N/A
128	reference	Section 21	E1 (at internal	Section 21 not engaged as	Yes, document needs

	provided		review stage)	complainant not provided with details on how to find information.	to be disclosed.
129	Duplicate of 14				N/A
130	Duplicate of 68				N/A
131	Withheld	Section 40 and 27(1)(a)		Exempt under section 40(2).	No
132	Duplicate of 76				N/A
133	Redacted	Section 40	F1 (at internal review stage)	Only names of email recipients exempt under section 40(2)	Yes, email needs to be disclosed with recipients withheld on basis of section 40(2)
134	Duplicate of 133				N/A
135	Withheld	Section 40 and Section 27(1)(a)		Exempt under a combination of these exemptions	No

136	Duplicate of 135				N/A
137	Duplicate of 68				
138	out of scope			Out of scope – not within date of request	N/A
139	Duplicate of 128				N/A
140	Redacted	Section 40, Section 43(2), 27(1)(a)	G1 (at internal review stage)	Redacted information exempt on the basis of section 27(1)(a)	No
141	Duplicate of 113				N/A
142	out of scope			Out of scope, no reference to BP	N/A
143	Duplicate of 14				N/A
144	Duplicate of 116		H1 (at internal review stage)		N/A

145	out of scope			Out of scope, no reference to BP	N/A
146	Duplicate of 79				N/A
147	out of scope			Out of scope, no reference to BP	N/A
148	out of scope	Section 43		Exempt on basis of section 43(2)	No
149	out of scope			Out of scope, no reference to BP	N/A
150	Duplicate of 79				N/A
151	Redacted	Section 40	I1 (at internal review stage)	Redactions exempt under s40(2).	No
152	Duplicate of 10				N/A
153	out of scope			Out of scope	N/A
154	Disclosed		J1 (at internal review)		N/A

			stage)		
155	Redacted	Section 40	K1 (at internal review stage)	Redactions exempt under section 40(2)	No
156	Redacted	Section 27(1)(a) and 43(2)	L1 (at internal review stage)	Neither exemption is engaged as likelihood of prejudice occurring is only hypothetical. Figure re: BP investment in public domain.	Yes, document needs to be disclosed.
157	out of scope		M1 (at internal review stage)	Out of scope.	N/A
158	Redacted	Section 21	N1 (at internal review stage)	No link to information provided therefore section 21 not engaged.	Yes, document needs to be disclosed.
159	Duplicate of 42				N/A
160	Duplicate of 68				N/A

161	Duplicate of 42				N/A
162	reference provided			Out of scope, no reference to BP	N/A
163	reference provided			Out of scope, no reference to BP	N/A
164	reference provided			Out of scope, no reference to BP	N/A
165	reference provided			Out of scope, no reference to BP	N/A
166	reference provided			Out of scope, no reference to BP	N/A
167	reference provided			Out of scope, no reference to BP	N/A
168	reference provided			Out of scope, no reference to BP	N/A
169	Redacted	Section 43, Section 35 to same information	O1 (at internal review stage)	Section 43(2) not engaged with exception of comments about third party identified in correspondence with	Yes, document needs to be disclosed with comments about third party as identified in correspondence with Commissioner

				Commissioner.	redacted on the basis of section 43(2).
170	Redacted	Section 27(1)(a) and Section 43(2),	P1 (at internal review stage)	Remainder exempt under section 27(1)(a).	No
171	Duplicate of 23				N/A
172	Duplicate of 23				N/A
173	out of scope			Out of scope, no reference to BP	N/A
174	Withheld	Section 43(2), Section 40		Exempt under section 43(2).	No
175	Withheld	Section 21 and 40		Personal details exempt under section 40(2) but remainder of information cannot be exempt on the basis of section 21 the complainant was not provided with details of how to access it.	Yes, needs to be disclosed with personal details redacted on basis of section 40(2).

176	Duplicate of 71				N/A
177	Duplicate of 68				N/A
178	Duplicate of 68				N/A
179	Duplicate of 71				N/A
180	out of scope			Out of scope, not in date range of request	N/A
181	out of scope			Out of scope, not in date range of request	N/A
182	Redacted	Section 27(1)(A) and Section 43(2)	Q1 (at internal review stage)	Redactions exempt on basis of exemptions cited.	No
183	out of scope			Out of scope, no reference to BP	N/A
184	out of scope			Out of scope, no reference to BP	N/A
185	out of scope			Out of scope, no	N/A

				reference to BP	
186	Redacted	Sections 27(1)(a) and 43(2)	R1 (at internal review stage)	Exempt under a combination of these exemptions	No
187	Redacted	Sections 38(1)(b) and S 40	S1 (at internal review stage)	Exempt under section 38(1)	No
188	out of scope			Out of scope, no reference to BP	N/A
189	Duplicate of 128				N/A
190	Withheld	Section 27(1)(a), 40 and 43(2)		Exempt under section 27(1)(a)	No
191	Duplicate of 190				N/A
192	Withheld	Sections 38(1)(b) and 40(2)	T1 (at internal review stage)	Exempt under section 40(2) and section 38(1)(b).	No
193	Duplicate part of same chain				N/A

	of emails as 192				
194	Duplicate part of same chain of emails as 192				N/A
195	Duplicate part of same chain of emails as 192				N/A
196	Duplicate part of same chain of emails as 192				N/A
197	Duplicate part of same chain of emails as 192				N/A
198	Duplicate part of same chain of emails as 192				N/A
199	out of scope			There is in fact a mention of BP and in the absence of any	Yes, disclose document.

				exemptions being cited by the FCO this needs to be disclosed.	
200	Duplicate as 22				N/A
201	Duplicate of 83				N/A
202	out of scope			There is in fact a mention of BP but final version of this document (item 9) is exempt under section 27(1)(a) and therefore so is this document.	No
203	out of scope			Out of scope, no reference to BP	N/A
204	Duplicate of 79				N/A
205	out of scope			Out of scope, no reference to BP	N/A
206	out of scope			Out of scope, no reference to BP	N/A

207	Redacted	Section 27(1)(a), 40 and 43(2)	U1 (at internal review stage)	Sections 27(1)(a) and 43(2) not engaged; likelihood of prejudice merely hypothetical. Staff names and contact details exempt under section 40(2).	Yes, document needs to be disclosed albeit with individuals' names and contact details redacted.
208	out of scope			Out of scope, no reference to BP.	N/A
209	Withheld	Section 21		Section 21 not engaged as complainant not provided to link to information.	Yes, document needs to be disclosed.
210	Withheld	Section 40		Individuals names and their own contact details are exempt under section 40(2). Remainder is not personal data and therefore needs to be disclosed.	Document needs to be disclosed with only individuals' names and their own contact details being redacted.
211	Duplicate of 55				N/A
212	Duplicate of				N/A

	14				
213	Duplicate of 120				N/A
214	Would consider fuller release			Not exempt	Needs disclosing to complainant.
215	Out of scope			Out of scope, not within date range of request	N/A
216	Duplicate of 215				N/A
217	Redacted	Section 21	W1 (at internal review stage)	Section 21 not engaged as complainant not provided to link to information.	Yes, document needs providing to complainant.
218	Redacted	Section 21	X1 (at internal review stage)	Section 21 not engaged as complainant not provided to link to information.	Yes, document needs providing to complainant.
219	Duplicate of 120				N/A

Reference: FS50565175



220	Duplicate of 136	Section 27(1)(a) and 43(2)		Entire document exempt under section 27(1)(a)	No
-----	------------------	----------------------------	--	---	----