

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 November 2023

Public Authority: Attorney General's Office
Address: 5-8 The Sanctuary
London SW1P 3JS

Decision (including any steps ordered)

1. The Commissioner's decision is that the Attorney General's Office is entitled to withhold information about meetings it had with the Embassy of Israel, under section 27(1)(a) of FOIA. This is because disclosing it would be likely to prejudice relations between the UK and another State.
2. It's not necessary for the Attorney General's Office to take any corrective steps.

Request and response

3. The complainant made the following information request to the Attorney General's Office (AGO) on 3 March 2023:

I am writing to request information, if held, on any meetings or correspondence which has taken place between representatives of the Office of the Attorney General, including the Attorney General themselves, and the Embassy of Israel in London, including any employee or representative thereof."

4. The AGO disclosed redacted information and its final position was that the redacted information was exempt from disclosure under section 27(1)(a) and 40 (personal data) of FOIA.

Reasons for decision

5. In their complaint to the Commissioner, the complainant said that they considered that the AGO would hold more information and disputed the AGO's reliance on section 27.
6. The Commissioner put to the AGO the complainant's points about further information being held and it carried out additional searches. The AGO identified further information, of a historical nature, and told the complainant it had found this information. On the basis of their response, AGO considered that the additional information in fact fell outside the scope of the complainant's request.
7. The complainant hasn't indicated to the Commissioner that they still consider that the AGO holds further information relevant to their request. On the basis of their complaint, the outstanding matter concerns the information the AGO is withholding under section 27. This reasoning therefore covers the AGO's application of that exemption.
8. Under section 27(1)(a), information is exempt information if its disclosure would, or would be likely to, prejudice relations between the United Kingdom and any other State.
9. The Commissioner considers three tests when he's considering whether information engages the exemption under section 27(1)(a).
10. First, the AGO's position is that disclosing the withheld information would be likely to would harm the UK's bilateral relations with Israel and potentially another State. The Commissioner is satisfied that the harm the AGO envisions is one that section 27 is designed to protect, namely the relations between the UK and another State(s).
11. Second, the Commissioner's satisfied that there's a causal link between disclosing this information and the envisioned harm. The AGO has provided the withheld information to the Commissioner and he's reviewed it. He agrees with the AGO that the withheld information is information about which the parties would have a deeper expectation of confidentiality or is more sensitive.

12. The AGO's submission goes into more detail about the information it's withholding, which falls under three themes, and why disclosing that information would be likely to prejudice the UK's relations with Israel and potentially another State. However, to protect the matters discussed the Commissioner doesn't intend to detail the information in this notice.
13. The Commissioner's satisfied that the parties involved would have a reasonable expectation that certain, sensitive matters would remain confidential and wouldn't be disclosed to the wider world under FOIA. If it were to be disclosed, relations between the parties would be likely to become more difficult, trust between the UK and Israel and another State would likely be diminished and future discussions would likely become less candid.
14. Finally, regarding the level of likelihood, the AGO's view is that the prejudice would be likely to occur as a consequence of disclosure. From additional information the AGO has provided to him, the Commissioner accepts that there's a real and significant risk of the envisioned prejudice occurring and that the lower threshold of likelihood is met.
15. Because the above three tests have been met the Commissioner finds that the AGO has correctly applied section 27(1)(a) to the information it's withholding. He's gone on to consider the related public interest test.

Public interest test

16. In their complaint to the Commissioner, the complainant suggested that the AGO is withholding information of public concern, and listed a number of serious topics which they consider the withheld information is about. The complainant therefore considers that there's a public interest in the information being disclosed. There's also a general public interest in public authorities being open and transparent.
17. In its submission to the Commissioner, the AGO argued that disclosing the information would have a significant impact on UK-Israeli relations to such a degree that it wouldn't be in the public interest to disclose it.
18. The Commissioner has found that disclosing the withheld information would be likely to prejudice international relations. He hasn't been presented with a public interest argument for disclosure that's so compelling that it outweighs the strong public interest in the UK's relationship with Israel and another State remaining open and cooperative.
19. The public interest in transparency has been met satisfactorily through the information the AGO disclosed and the Commissioner's satisfied that

the balance of the public interest favours maintaining the section 27(1)(a) exemption.

20. The Commissioner's decision is that the AGO correctly applied section 27(1)(a) of FOIA to the information it's withholding and that the public interest favours maintaining the exemption.

Other matters

21. Regarding its application of section 40, the AGO has cited section 40(1) in its correspondence to the complainant and to the Commissioner, but the correct exemption is that under section 40(2) which concerns the personal data of third parties. Section 40(1) concerns information which is the applicant's own personal data.

Right of appeal

22. 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

23. 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.
24. 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

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