



Foreign &
Commonwealth
Office

Overseas Territories Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <https://www.gov.uk>

01 October 2015

Your Freedom Of Information Request: 1083-14

Thank you for your request for information which we received on 26 November 2014. In your request you asked:

“Can you please provide me with the following information:

- a) Copies of any documents published since 2001, or otherwise in force from 2001-present, which sets out the agreement that the US will inform the Officer in Charge of all ship and aircraft movements;*
- b) The name, rank and term of office for all Officers in Charge between September 2001 and present;*
- c) Information regarding how the Officer in Charge is informed of all ship and aircraft movements, including copies of any template forms and/or names of any electronic system for communicating this information.”*

I am writing to confirm that we have now completed the search for the information you requested.

I can confirm that the Foreign and Commonwealth Office does hold information falling within the terms of your request.

Please find attached the information that the FCO can release to you - the following documents: “flight controls and immigration procedures 29 Jan 2013”; “Dipclear Process Flowchart”; and a digest of the relevant sections of the “Diego Garcia Best Practices Document”; Edition 7; 29 May 2014; and “Foreign Warships Guide”; 31 March 2010. Elements in the digest are also included in earlier versions of the same document. You will see from the digest that the US has a “blanket” diplomatic clearance to use BIOT within the terms of the various Exchanges of Notes that govern their presence. Under these terms the UK is informed of all movements within normal circumstances; in other circumstances, any movements are subject to the agreement of both Governments.

Details of the holders of the position of Commissioner’s Representative (Officer-in-charge) are already within the public domain on websites such as http://www.worldstatesmen.org/Br_Indian_Ocean_Terr.html

Some of the information is being withheld under the following Sections of the Freedom of Information Act:

- Section 26 (1) (a) (b) Defence
- Section 27 (1) (a) International relations, and
- Section 40 (2) and (3) Personal information

Section 26, where information is exempt information if its disclosure would, or would be likely to, prejudice (a) the defence of the British Islands or of any colony, or (b) the capability, effectiveness or security of any relevant forces. Release of this information would do so as it would prejudice the defence of the British Indian Ocean Territory by exposing plans to counter possible terrorist attacks. In this case it was judged that the potential costs associated with releasing the information outweighed the benefits.

Section 27(1) (a), which requires us to consider the public interest test arguments in favour of releasing and withholding the information. We acknowledge that releasing information on this issue would increase public knowledge about our relations with the US, and there is a general presumption towards benefit in such transparency. However, s.27 (1) (a) recognises that the effective conduct of international relations depends upon maintaining trust and confidence between governments. If the United Kingdom does not maintain this trust and confidence, its ability to protect and promote UK interests through international relations will be hampered, which will not be in the public interest. The disclosure of information detailing our relationship with the US Government could potentially damage the bilateral relationship between the UK and the US. This would reduce the UK government's ability to protect and promote UK interests through its relations with the US, which would not be in the public interest. For these reasons we consider that, the public interest in maintaining this exemption outweighs the public interest in disclosing the parts of the material in scope which we assess are affected by this.

Some information has been withheld under section 40 – personal information. Some of the information you have requested is personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, s.40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

Once an FOI request is answered, it is considered to be in the public domain. To promote transparency, we may now publish the response and any material released on [gov.uk](https://www.gov.uk) in the [FOI releases](#) section. All personal information in the letter will be removed before publishing.

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Yours sincerely,

Assistant Administrator

Overseas Territories Directorate



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.