



Foreign &
Commonwealth
Office

Europe Department
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

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

27 October 2015

Dear

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0862-15

Thank you for your email of 30 August 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

I am writing to request information under the Freedom of Information Act.

I am requesting information relating to documents held by the FCO. I am requesting briefings or submissions to ministers that fall under the following topics:

- *Whose text contains the phrase 'Mare Nostrum' - meaning the Italian-run search and rescue operation the Mediterranean.*
- *Documents whose subject matter relates to Justice and Home Affairs Council decision 'Taking action to better manage migratory flows'*
- *Documents whose subject matter relates to the Justice and Home Affairs Council meeting held in Luxembourg on the 9/10 of October 2014*

I am only requesting documents that are stored electronically (I am not requesting documents that are only kept on paper)

I am only requesting documents that are not already in the public domain.

I am requesting documents that were created between 1st January 2013 and the present.

If my request is declined in whole or in part I would be grateful if you could explain why the information has been withheld, with specific reference to the part of the Freedom Of Information Act which justifies its non-release.

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

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

Please find attached the information that the FCO can release to you. Some of the information has been withheld using Sections 27 and 35 of the Freedom of Information Act 2000. Section 27 (1) (a) (b) (c) and (d) relates to information whose disclosure would or would be likely to prejudice (a) the relations between the UK and any other state or (b) international organisation, (c) the interests of the UK abroad, or (d) the promotion or protection by the UK of its interests abroad. Section 27(2) relates to information provided in confidence to the UK Government by another Government. Section 35 (1) (a) of the Freedom of Information Act relates to the formulation or development of government policy. Section 40 relates to personal data.

The application of s.27 (1) and (2) 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 EU and other Member States. We also acknowledge the public interest in understanding UK and EU policy in the area of migration. However, s.27 (1) and (2) recognise that the effective conduct of international relations depends upon maintaining trust and confidence between governments and institutions. If the United Kingdom does not maintain this trust and confidence, governments and EU institutions may be more reluctant to share sensitive information with the UK Government in future and may be less likely to respect the confidentiality of information supplied by the UK Government, to the detriment of UK interests. The UK's ability to protect and promote UK interests would be diminished, and this could affect UK interests in achieving a successful outcome in any future negotiations. For this reason, we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Since some of the information you have requested also relates to the formulation or development of government policy, it is also exempt from disclosure under sections 35(1) (a) of the Act, which requires the application of a public interest test. It is recognised that there is public interest in the greater transparency in the decision making process to ensure accountability within public authorities. However, officials need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of pros and cons without there being a risk of premature disclosure which might close off better options and inhibit the free and frank discussion of all policy options. For this reason we consider that the public interest in maintaining this exemption outweighs the public interest in disclosing it.

Some of the information you have requested includes 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 in the

FOI releases section. All personal information in the letter will be removed before publishing.

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Yours sincerely,

Europe Department



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.