



Foreign &  
Commonwealth  
Office

11 August 2005

Mr Christopher Ames

Information Management  
Department  
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Dear Mr Ames,

**Re FOI Request 304-05 - Request for an Internal Review**

In your email of 23 May, you said that you wished to challenge the decision letter (sent to you on 20 May by Jenny Godfrey) and to make a complaint about the delays particularly the last delay. You also wanted to know how the FCO would review the decision, given that it was made, at least in part, by the Secretary of State. What procedures would the FCO put in place to ensure that a review was both independent and capable of overturning the decision?

I will answer your procedural questions first. As Head of the Information Rights Team in Information Management Group (IMG) I have undertaken the internal review. I have conducted a full examination of all the relevant material, both released and withheld and have considered Ms Godfrey's reply to you. Although the final decision on disclosure was made, in part, by the Secretary of State, IMG still have the authority to conduct the review to ensure that the Secretary of State made his decision in the full knowledge of the facts surrounding the request. No additional procedures have been put in place because the Secretary of State has been involved in the original reply; our standard Internal Review procedures are such that it is possible to conduct an independent review, irrespective of the seniority of the individual who made the original decision.

In your email of 9 February 2005, you were very specific in requesting to see a draft of the September dossier on "Iraq's weapons of mass destruction" which, according to John Scarlett, was produced by John Williams. It was referred to in an email, reproduced in The Hutton Report, from Daniel Puce as "John's draft of 9 September 2002". A search of both paper and electronic files was undertaken and the document identified.

Having reviewed the content of the paper I agree with the citing of Section 36(2), as I believe it is right that Ministers and officials have room to discuss freely and openly, all and any subjects, which are brought before them. Also, it is essential that officials are able engage in



the free and frank exchanges of views when drafting documents for publication and providing advice to Ministers. Without this protection the confidence of officials in providing such advice could be seriously compromised when dealing with highly sensitive and controversial issues. Whilst it may be true that knowledge of the subject of these discussions is in the public interest, I do not agree that it is in the public interest to have access to the content of these discussions.

Section 36 of the Freedom of Information Act can only be cited if, in the reasonable opinion of a qualified person, it is appropriate to do so. The Act specifies that a Minister of the Crown is considered to be a “qualified person” and it was for this reason that the Foreign Secretary was asked to make the final decision on the citing of the exemption.

With regard to your complaint about untimely delays in replying to your FOI request, I can understand your frustration and lack of satisfaction about the reply you received, but I do think it was necessary for the FCO to consider very carefully the implications of disclosing the information you requested. The FCO had to consult widely in order to answer your request as this was not a decision to be taken lightly or by any one person. You were kept informed of these delays by way of a series of letters explaining that more time was needed to weigh the relative merits of the public interest in this complex case.

In conclusion I uphold the original decision not to release the information requested and agree with the use of Section 36(2).

I am satisfied that the information I have assessed in relation to your request is all that information held by the FCO relating to this issue. I can therefore confirm to you that no further information of relevance to your request exists.

If you are not content with the outcome of this Internal Review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at

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

Yours sincerely,

***Richard Barr***

Richard Barr



Information Rights Team  
Information Management Group