

Note No A307/06

Protocol Directorate of the Foreign and Commonwealth Office, presents its compliments to all Diplomatic Missions in London and has the honour to refer to its Note No A113/06 of 6 March 2006 about the Freedom of Information Act, and requests for information on serious offences allegedly committed by persons entitled to diplomatic immunity.

The Information Commissioner, in his Decision Notice of 5 January, recorded that he had found the public interest test to be finely balanced and that in reaching his decision he had had regard to existing FCO policy. However, in light of the Freedom of Information legislation and the fundamental presumption of disclosure, the Information Commissioner invited the FCO to consider reviewing existing policy relating to disclosure of the information.

The FCO has now reviewed its policy. In the course of its review, the FCO discovered that in 1997 and 1998, in response to Parliamentary Questions by Lord Marlesford, it disclosed the names of missions and nature of offences allegedly committed by diplomats who had been withdrawn in the previous year, and the names of the missions of those diplomats who had allegedly committed serious offences in the previous year. In light of this, Ministers have decided that the names of the countries linked to the nature of the serious offences their diplomats allegedly committed should be released to an "Observer" journalist who requested this information under the Freedom of Information Act in January 2005. However where the number of diplomatic personnel in a mission is so small that there is a risk of identifying an individual, information will continue to be withheld.

Ministers have further decided that, from now on, the FCO shall present annual information to Parliament on diplomatic missions whose staff have allegedly committed serious offences. This will be by means of a Written Ministerial Statement during the first half of each year, covering the previous five year period. A Written Ministerial Statement announcing this change in policy was laid in both Houses of Parliament today, with a list of the names of countries and the serious offences their diplomats allegedly committed between 1999 – 2004.

The FCO has informed the Information Commissioner in light of the forthcoming Information Tribunal.

Protocol Directorate avails itself of this opportunity to renew to all Diplomatic Missions the assurance of its highest consideration.

FOREIGN AND COMMONWEALTH OFFICE

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