



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS**

Case No. EA/2013/0217

ON APPEAL FROM:

**The Information Commissioner's
Decision Notice No: FS50484526
Dated: 12 September 2013**

Appellant: LAURA FRANCIS

1st Respondent: INFORMATION COMMISIONER

**2nd Respondent: DEPARTMENT FOR INTERNATIONAL
DEVELOPMENT (DFID)**

**Heard at: MAYOR'S AND CITY OF LONDON COUNTY
COURT**

Date of hearing: 20 MARCH 2014

Date of decision: 25 APRIL 2014

Date of promulgation: 28 APRIL 2014

Before

ROBIN CALLENDER SMITH
Judge

and

JOHN RANDALL and MARION SAUNDERS
Tribunal Members

Attendances:

For the Appellant: Mr Martin Rosenbaum and Ms Laura Francis
For the 1st Respondent: Mr Robin Hopkins, Counsel instructed by Ms Michele Voznick for the Information Commissioner
For the 2nd Respondent: Mr Paul Greatorex, Counsel instructed by Mr Oliver Gilman for the Treasury Solicitor's Department

**IN THE FIRST-TIER TRIBUNAL
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Case No. EA/2013/0217

Subject matter: FOIA 2000

Qualified exemptions

- International Relations s.27

Cases:

Foreign and Commonwealth Office v Information Commissioner and Plowden [2013] UKUT 275 (AAC), '*Muttitt*' (GIA/0957/2012) and *All Party Parliamentary Group on Extraordinary Rendition (APPGER) v Information Commissioner and Ministry of Defence* [2011] UKUT 153 (AAC).

DECISION OF THE FIRST-TIER TRIBUNAL

The Tribunal upholds the decision notice dated 12 September 2013 and dismisses the appeal.

REASONS FOR DECISION

Introduction

1. The Appellant, Ms Laura Francis, a researcher with the BBC Political Programs Department asked the Second Respondent – the Department for International Development (DFID) – for information about a decision to provide and then subsequently suspend UK Aid to Rwanda.
2. The disputed information consists of discussions of policy options and supporting information presented to two Secretaries of State – one having succeeded the other – for the purposes of their respective decisions about UK aid to Rwanda. The disputed information included internal government analysis of the actions of Rwanda and other

parties. It also recorded the views of the Prime Minister and the Foreign Secretary on the U.K.'s policy towards Rwanda. It contained frank analyses of complex operating environments.

3. DFID refused the request citing a number of FOIA exemptions, the most significant of which was s.27 in relation to the qualified exemption relating to International Relations. The First Respondent – the Information Commissioner – upheld that decision on the basis that the documents in question were of a highly sensitive nature. The issues being discussed were live at the time of the request. The request was made on the same day as the second of the two Ministerial pronouncements about aid to Rwanda.

The request for information

4. The request to DFID, on 30 November 2012, was as follows:
 - (1). Please provide a copy of all briefing material submitted to the former Secretary of State for International Development Andrew Mitchell regarding the decision to give £16m of aid to Rwanda in September.
 - (2). Please provide a copy of all briefing material submitted to the current Secretary of State for International Development Justine Greening regarding the decision announced today (Friday 30 November 2012) to suspend aid to Rwanda.
5. On 3 January 2013 DFID responded that it was withholding all the information and cited s.21, 27, 35 and 40 of FOIA. The information held under s.21 is a publicly available Memorandum of Understanding between the UK and Rwandan governments and has played no further part in this appeal.
6. On 7 January 2013 the Appellant requested an internal review. DFID responded on 4 February 2013 again withholding all the information.

The complaint to the Information Commissioner

7. On 5 February 2013 the Appellant complained to the Information Commissioner on the basis that disclosure would be in the public interest under s.27 and s.35.

8. The Information Commissioner considered the interlinked nature of the exemptions in s.27 (1) and (2):
 - (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice-
 - (a) relations between the United Kingdom and any other State,
 - (b) relations between the United Kingdom and any international organisation or international court,
 - (c) the interests of the United Kingdom abroad, or
 - (d) the promotion or protection by the United Kingdom of its interests abroad.

 - (2) Information is also exempt information if it is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

9. s.27(1) was, in essence, prejudice-based: there had to be a significant and weighty chance of the interests referred to in subsections (a) to (d) suffering real, actual or substantial prejudice causally attributable to the disclosure of the disputed information. Section 27(2) was, in essence, class-based and not subject to a prejudice test. Both sections 27(1) and (2) were qualified exemptions.

10. As to s.27(1), DFID's position was that disclosure of the disputed information would be likely to have a detrimental impact upon bilateral relations between the UK and Rwanda as well as other states and international organisations mentioned in the disputed information. There would be substantial 'fall out' from disclosure. That would be likely adversely to affect the UK's negotiating position and high-level relations with Rwanda and its ability to achieve its foreign policy objectives, including with regard to aid and development in Rwanda.

Disclosure would be seen as breaching the accepted protocols of international diplomacy.

11. In relation to s.27 (2), while formal confidentiality agreements did not apply, there was a long-standing expectation (based on international conventions and protocols of diplomacy) that diplomatic exchanges and communications should be kept private and confidential.
12. Having considered the disputed information, the Information Commissioner was satisfied that both s.27 (1) and s.27 (2) were clearly engaged.
13. In terms of the public interest balance, the Information Commissioner decided that there was very strong public interest in preventing the prejudice identified under s. 27(1) and in respecting the confidences of international partners. The issues addressed in the disputed information remained live at the time of the request. The need for a 'safe space' was very strong.
14. He accepted that there was substantial public interest in disclosure: these were important decisions by the Secretaries of State and disclosure would enhance transparency, accountability and public understanding of the issues. He also accepted that there could be substantial public interest in disclosure where issues are live at the time of the request and that each component of the disputed information should be considered on its own merits rather than necessarily in blanket fashion.
15. The Information Commissioner maintained, however, that the public interest balance very clearly favoured the maintenance of the exemptions. His position was based in significant part on the contents of the disputed information which, he accepted, could not be seen and considered by the Appellant.

The appeal to the Tribunal

16. In her Grounds of Appeal to the Tribunal the Appellant (in summary) put forward the following points:

(1). She believed that the Information Commissioner had erred in his decision and that, in fact, the balance of the public interest must favour disclosure.

(2). She was not in a position to contest the arguments that s.27 was engaged because the disputed information had been withheld from her. She accepted that the Tribunal – at the appeal – would see it and should make its own independent assessment.

(3). Because she had not seen the information, she was handicapped in presenting a full argument that the balance of the public interest favoured disclosure. She believed that the Information Commissioner had seriously understated the benefits of disclosure and had, as a result, failed to weigh the public interest considerations properly.

(4) While accepting that, generally, some weight needed to be given to the factors itemised in the Decision Notice as reasons against disclosure she believed that the Information Commissioner had ignored certain unusual circumstances which favoured disclosure. These were:

- Andrew Mitchell had taken a highly controversial and important decision to reinstate £16 million in aid to Rwanda on his last day as Secretary of State for International Development in September 2012, at a time when he knew he was imminently to be moved to another government position.
- That policy was quickly overturned by his successor at DfID, Justine Greening, who suspended aid payments in November.
- There had been allegations from Human Rights Watch that Mr Mitchell took his decision hurriedly, with only limited internal discussion across Whitehall or with UK government staff in Rwanda and with little or no consultation with other governments. It had also been reported in the media that Mr Mitchell took this decision without properly consulting his senior officials and in conflict with the view of some Foreign Office officials. Mr Mitchell has denied such allegations.
- The House of Commons Committee which inquired into Mr Mitchell's decision said it could not understand how he reached it. In the summer of 2012 the UK government had established three conditions for reinstating budget support for the Rwandan government. One of these was that the

Rwandan government should end practical support for the M23 group, a rebel militia force in the neighbouring Democratic Republic of the Congo (DRC). Mr Mitchell had said that he judged there had been progress on this condition and this was one of the reasons for his decision. However the House of Commons International Development Committee, which inquired into his decision, concluded on the basis of the evidence it received that: "We do not understand how he concluded that Rwandan support for M23 had ceased."¹

(5). Those factors raised questions about the process of the decision-making. The only way to satisfy these questions is for the relevant briefing materials to be released. The decisions made by Andrew Mitchell and Justine Greening were important decisions which involved large sums of public money and could have had very serious consequences for people in Rwanda and the DRC, as well as for the policy of the UK government. Disclosure of the information requested would facilitate transparency in policy-making and the spending of public money, the accountability of Ministers, public understanding of government policy and the reasons for it, and the ability of the public to participate in debate and influence government. The particular unusual and puzzling circumstances of the case greatly strengthened those considerations and required disclosure of the requested information in the public interest.

(6). Even if some material should genuinely be withheld under s.27 on the basis that disclosure is against the public interest, she could not accept the apparently blanket way in which the Information Commissioner had ruled against disclosure of all the information at issue. Each piece of material should be considered separately and on its own merits.

(7). In relation to the claimed s.35 FOIA exemption, she did not accept that the public interest test should decide against disclosure, for much the same reasons outlined earlier in respect of s.27.

(8). It was no part of the appeal that either Andrew Mitchell's or Justine Greening's decision was right or wrong. She was simply seeking to establish greater understanding of the basis on which they were made.

The questions for the Tribunal

17. Was s.27 FOIA - or any of the other sections of the Act - engaged and, if so, was the balance of the public interest correctly assessed as being

¹ House of Commons International Development Committee, Seventh Report of Session 2012-13, Paragraph 22.

in favour of non-disclosure of all or any part of the requested information?

Evidence

18. Open evidence, on which he was crossed-examined, was given by Michael Hammond of DFID Rwanda, based at the British High Commission in Rwanda. He also gave closed evidence on which he was asked a number of questions both by Counsel and by the Tribunal.
19. By way of background he explained that the provision of aid by the UK to developing countries was a unilateral decision for the UK Government, and other national governments operated their own programmes of aid provision in the same way. The United Nations provided technical assistance to developing countries but had no role in determining the UK's aid programme, except insofar as reports by UN groups were taken into account by UK Ministers as part of their decision-making process.
20. Other organisations which either operated in Rwanda or could impact on UK policy decisions for Rwanda included the United Nations Group of Experts, the World Bank, the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), the Peace, Security Cooperation Framework (PSCF) for the Democratic Republic of Congo and the region and the International Conference on the Great Lakes Region (ICGLR).
21. Rwanda had made tremendous progress since the devastating genocide of 1994 but still faced huge challenges. Of Rwanda's 10.5 million people, 45% lived in poverty and very many lived far below the poverty line. Reliance on low-income agriculture and agricultural wage labour made the majority of poor people's livelihoods very fragile.

22. In Rwanda, DFID supported progress towards the UN Millennium Development Goals (MDGs) focusing on education, agriculture and social protection. It also provided support for economic development. That included boosting regional trade, supporting economic growth and wealth creation. It also supported the country to protect the poorest and the economy from the effects of a changing climate. There was a portfolio of work around governance issues. In some countries the UK had moved away from Budget Support because of concerns over corruption and effectiveness. Historically that had not been an issue in relation to Rwanda which had a proven track record in ensuring that Budget Support was used for the purposes for which it was intended.

23. There might be occasions when the activities or policies of the country made it inappropriate for the UK to provide support at all or to provide it directly through Budget Support. All financial aid was subject therefore to consideration of the Partnership Principles which comprised an assessment of the country's commitment to performance in four main areas:

- Poverty reduction and the Millennium Development Goals;
- Respecting human rights and other international obligations;
- Improving public financial management, promoting good governance and transparency and fighting corruption; and
- Strengthening domestic accountability.

24. Rwanda had had a programme of Budget Support in place since 2001 underpinned by a Memorandum of Understanding (MoU), originally signed in 1999 and updated in September 2012. That set out the Partnership Principles to which the Government of Rwanda had to commit in order for the UK to provide Budget Support to it. At various times since 2001 Secretaries of State for International Development had determined whether it was appropriate for Budget Support to be released, or to continue to be released, to Rwanda.

25. In relation to the first request for information – the decision of Andrew Mitchell MP announced 4 September 2012 – that was taken shortly

after he started at his present post as Head of DFID Rwanda. The UK had been due to provide £16 million of General Budget Support to Rwanda in July 2012. However, at that time the Government was concerned that Rwanda had not shown sufficient commitment to the Partnership Principle around international obligations. The Government was concerned – in the light of interim reports from the UN Group of Experts – that the Rwandan government was providing support for the *Mouvement du 23 mars* (M23). The M23 movement was a rebellion which began late in March 2012 in the neighbouring Democratic Republic of Congo and for the Congolese army in the eastern part of the country until its defeat in early November 2013. The M23 group had been responsible, among other things, for significant violence against civilians and for the use and recruitment of child soldiers.

26. In the light of those concerns, in July 2012, Andrew Mitchell took a decision to defer £16 million of General Budget Support. He wanted reassurances from the Rwandan government that it was adhering to the Partnership Principles and that they were not directly supporting M23 and interfering in the internal affairs of a neighbouring country. He visited DRC and Rwanda in mid-July and made it clear to the Government of Rwanda that support for M23 should cease. During the remainder of July and August the UK Government assessed that the Government of Rwanda had engaged constructively in the ICGLR peace talks chaired by President Museveni of Uganda. An informal ceasefire resulted in a lull in the fighting in early August.

27. On 31 August 2012 Mr Mitchell had written to the Prime Minister indicating that he judged that Rwanda had shown some commitment to the Partnership Principle concerning international obligations and that the conditions were such that it was appropriate to release £8 million of the General Budget Support that had been withheld in July as General Budget Support and to reprogramme the remainder for existing Sector Budget Support programs in education and food security. It was easier

to track Sector Budget Support to specific outcomes and budget lines but it was less flexible than General Budget Support and could constrain the choices made by the recipients' Ministries of Finance in managing their budgetary policies.

28. 4 September 2012 was Mr Mitchell's last day in office before a Cabinet reshuffle which resulted in him moving to the post of Chief Whip and Justine Greening MP replacing him as Secretary of State for International Development.

29. The timing of Mr Mitchell's decision had provoked some adverse comment and speculation and, as a result, the International Development Committee (IDC) decided to conduct an enquiry into Mr Mitchell's decision. The IDC was a Select Committee of the House of Commons which monitored the policy, administration and spending of DFID and its associated public bodies. The IDC met on 8 November 2012 to hear evidence from Mr Mitchell and on 13 November 2012 to hear evidence from Ms Greening.

30. DFID made submissions to the IDC which were in the public domain. The notes of the IDC proceedings were also made public.

31. Mr Mitchell explained to the IDC that he had been asked by the Prime Minister to assess whether Budget Support to Rwanda should continue by reference to 3 conditions – which were consistent with the Partnership Principles – namely: (i) the Government of Rwanda should engage constructively in the ICG LR Conference peace talks chaired by President Museveni in Uganda; (ii) the Government of Rwanda should publicly condemn the M23 Group; and (iii) there should be continuing ceasefire in the Kivus and practical support to the M23 should end. He also provided the committee with a copy of his letter to the Prime Minister of 31 August 2012. He explained to the IDC why he had concluded that Rwanda had shown sufficient commitment to the

Partnership Principles for it to be appropriate to release Budget Support to Rwanda. Mr Mitchell emphasised that he had been very concerned to ensure that this important aid reached Rwanda and was used to relieve hardship and suffering and promote development as it was intended to do.

32. At the time that Ms Greening gave evidence to the IDC she was in the process of considering whether or not the next tranche of Budget Support should be made available to Rwanda. The next scheduled tranche was £21 million which was due to be released in December 2012. On 15 November 2012 the UN Group of Experts published its final report. In the light of that report, on 22 November 2012, Ms Greening and the Foreign Secretary (William Hague MP) published a joint statement setting out that in their joint view there was clear, credible and compelling evidence of Rwandan support for M23. Subsequently she concluded that it would be inappropriate for further general Budget Support to be provided to Rwanda for the time being. She announced her decision on 30 November 2012 and explained her reasons for that decision to Parliament. Also on 30 November 2012 the IDC published its report into the enquiry into Andrew Mitchell's previous decision. That was also the day the Appellant had made the requests that are the subject of this appeal.

33. In closed session Mr Hammond went through, in detail, the contents of the ten relevant documents.

34. Mr Hammond also gave the reasons why the exemptions in relation to s.35 FOIA also applied to the withheld information.

Legal submissions and analysis

35. Given the Tribunal's unanimous conclusion in respect of this appeal it is not proposed to repeat the final submissions of Counsel for the Information Commissioner or for DFID.

36. Mr Rosenbaum, on behalf of the BBC, summarised his arguments cogently and concisely and the Tribunal has specifically considered all the points that follow:

- (1) Where section 27 is engaged, the balance of the public interest favoured disclosure.
- (2) The decisions made by Andrew Mitchell and Justine Greening were important decisions which involved large sums of public money and which may have had serious consequences for people in Rwanda and the DRC as well as for the policy of the UK Government and its relations with its international partners.
- (3) Disclosure of the information requested would facilitate the following important aims: transparency in policy-making and the spending of public money; the accountability of government ministers; public awareness and understanding of government policy and activities; and the ability of the public to participate in debate and influence government. Those were fundamental principles in the operation of a Democratic society.
- (4) The Information Commissioner accepted that there was "substantial public interest in disclosure" and that "these were important decisions by Secretaries State and disclosure would enhance transparency, accountability and public understanding of the issues".

(5) The Information Commissioner and DFID had given insufficient weight to the case for disclosure, including on the grounds that they have failed to take account of the unusual circumstances of this particular set of decisions. These circumstances include the following facts:

- a. Andrew Mitchell took the highly controversial and important decision to reinstate certain aid payments to Rwanda at a time when he was imminently to be moved to another government position, a move of which he was aware;
- b. This policy was quickly overturned by his successor at DFID, Justine Greening;
- c. There had been reports that Mr Mitchell took his decision hurriedly, with little regard for other views within government or those of the UK's international partners (reports which Mr Mitchell denied);
- d. The House of Commons International Development Committee, which inquired into Mr Mitchell's decision, said it could not understand how he reached it. In the summer of 2012 the UK Government had established three conditions for reinstating budget support for the Rwandan government. One of these was that the Rwandan government should end practical support for the M23 force in the neighbouring Democratic Republic of the Congo. Mr Mitchell had said that he judged there had been progress on this condition and this was one of the reasons for his decision. However, the International Development Committee concluded on the basis of the evidence it received that: "We do not understand how he concluded that Rwandan support for M23 had ceased."²

(6) Those factors raised questions about the process of the ministerial decision-making involved and strengthened the case for disclosure, on the basis of promoting transparency, accountability and public understanding. The only way to satisfy such questions

² (House of Commons International Development Committee, Seventh Report of Session 2012-13, paragraph 22).

was for the relevant briefing materials to be released.

- (7) The more significant or dramatic that a piece of information was on a matter which was still live, the more that its disclosure could also benefit transparency, accountability, public understanding and public participation. That consideration needed to be taken into account in any public interest balancing exercise.
- (8) Even if some of the material should correctly be withheld under section 27 on the basis that disclosure was against the public interest, that could not in itself justify a blanket decision to withhold all the information requested. Each piece of material should be considered separately and on its own merits.

Conclusion and remedy

37. The Tribunal finds s.27 of FOIA is fully engaged. The Appellant does not dispute that. It finds that the release of the requested information in the 10 withheld documents would be likely to prejudice relations between the UK and other States, particularly Rwanda and also to prejudice relations between the UK and other international organisations, particularly the UN and the ICGLR.
38. The interests of the UK abroad – particularly its interest in securing peace in Rwanda and furthering the MDGs as well as the promotion and protection by the UK of its interests abroad - are also relevant factors.
39. In relation to parts of some of the documents, s.27 (2) and (3) FOIA was correctly and appropriately relied on because the information was confidential information obtained from a State other than the UK or from an international organisation.

40. This withheld information consisted of policy options and supporting information presented to the Secretaries of State as well as the views on policy towards Rwanda held by the Prime Minister and the Foreign Secretary and the internal analysis of the actions and undertakings of Rwanda and the other parties. Having that information placed in the public domain would be likely to be to prejudice the UK Government and DFID in its relations with Rwanda.

41. The subject of UK aid provided to Rwanda and linkages to allegations of Rwandan misconduct in the DRC was obviously a very sensitive matter. Release of the requested information could lead to distraction from the key international relations objectives of the UK Government in relation to Rwanda, because – as Mr Hammond put it in his evidence - of the need to respond and adjust to any Rwandan reaction to the information. That could prejudice the UK's ability to conduct international relationships.

42. Revealing the information would probably restrict the UK's ability to do this because the detailed thinking around policy options and strategies in dealing with Rwanda would be in the public domain and available to any party wishing to gain an advantage by holding detailed information on the UK's likely positions with regard to relations with Rwanda. It would probably prejudice the UK's ability to conduct and develop international relations in a direct, managed and appropriate way.

43. The standard of proof in this appeal is the balance of probabilities. The Tribunal is satisfied that standard has been fully met by DFID by virtue of the written and oral evidence succinctly provided by Mr Hammond.

44. There is a clear importance - in the proper conduct of international relations in the UK's interests - that any messages to the Rwandan Government were delivered in a sensitive matter, appropriate to wider developments and in the right way following the correct protocols.

Disclosure of the withheld information would be likely to disrupt significantly the UK's ability to manage high-level relations with Rwanda.

45. The Tribunal accepts the evidence that the situation in the region was fragile and unpredictable and that situation was likely to continue for some time. The withheld information would be likely to be of use to any party involved in the considerations over Rwanda and the wider Great Lakes region and could – if revealed – lead potentially to a polarising of positions around the Great Lake conflict. That situation still remained valid when following the surrender of M23 there was a window of opportunity for peace in the region for the first time in three decades.

46. The timing of the request by the Appellant was important. The request was made on 30 November 2012, the same day as Justine Greening MP made her decision. That decision was not to abandon Budget Support altogether but to defer release of the £21 million, keeping the situation under review and intending to look at the position again at the end of January 2013. In the event, the situation in Rwanda had not improved significantly at the end of January 2013 and in fact the UK continued to defer release of the Budget Support funds until a reprogramming of £16 million was agreed in March 2013. A further reprogramming of an additional £16 million took place in July 2013.

47. The Tribunal also accepts the premise offered by DFID that damage to UK-Rwandan relations would be likely to have an effect beyond the Great Lakes region of Africa. Rwanda was currently a non-permanent member of the UN Security Council of which the UK was one of five permanent members. It was a matter of the utmost importance that the UK was able to conduct its activities in the Security Council on the basis of trusted, reliable and managed international relations. Damage to the relationship with one member through the release of the information could significantly hamper the UK's ability to operate within

the Security Council to the detriment of the very high public interest in ensuring that the UK's ability to function effectively within the Security Council to deliver foreign and security policy objectives.

48. In terms of the public interest test it is clear to the Tribunal that DFID recognised that there was a general public interest in transparency and accountability and in the public understanding the reasons why particular decisions had been made by ministers. Given the humanitarian issues at stake there was also a general public interest in knowing what the UK Government knew about what was happening in Rwanda.

49. However there was already a considerable amount of information in the public domain about the situation in Rwanda, in particular in the UN Group of Experts' reports.

50. It is noteworthy that - as a result of the IDC enquiry into Andrew Mitchell's decision - a considerable amount of information is in the public domain about why that particular decision was taken and how the timing of the decision related to the Cabinet reshuffle that took place on 4 September 2012. Mr Mitchell explained to the IDC that he was aware of the move a week previously and that the decision in question was one of a number that he took in order to "clear his desk" before departure.

51. Release of the withheld information would not add significantly to the public interest in transparency and accountability or give the public a significantly better understanding of the reasons for the two decisions that were of interest to the Appellant.

52. The Tribunal has concluded that the detrimental effect of release of the information on international relations would be significant and outweighed the public interest in disclosure.

53. The situation in Rwanda and the wider Great Lakes region was complex and subject to fast and unpredictable change. While the ceasefire was in place at the time of the request in the eastern DRC and regional peace and security framework was signed by all governments in the region in February 2013, the area remained unstable and other groups were still fighting. Even after the surrender of M23, there continued to be considerable UK involvement in securing sustainable peace in the region. That necessitated the UK retaining an ability to manage its international relations with the various states and international organisations with an ability to assist the UK in meeting its international development and wider foreign policy objectives.

54. We have been through each of the withheld documents in detail in our deliberations and find that s.27 exemptions apply to all of them. For that reason it has not been necessary to consider any of the other provisions of FOIA. We have specifically considered whether the withheld information has been over-redacted and have concluded that it has not. There is no “lighter” approach that would be appropriate in the circumstances. Having read the material we are satisfied that there is no evidence of impropriety which would raise the public interest bar.

55. For all these reasons the appeal fails and the original decisions of DFID and the Information Commissioner are upheld.

56. Our decision is unanimous.

57. There is no order as to costs.

Robin Callender Smith

Judge

25 April 2014