

**IN THE MATTER OF AN APPEAL TO THE FIRST TIER TRIBUNAL
(INFORMATION RIGHTS)
UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

EA/2015/0061

B E T W E E N :-

FOREIGN AND COMMONWEALTH OFFICE

Appellant

-and-

THE INFORMATION COMMISSIONER

Respondent

CONSENT ORDER

BY CONSENT, IT IS HEREBY ORDERED:

1. The appeal is allowed in part.
2. The decision notice FER0541832 be substituted in the terms set out in Annex A.
3. There be no order as to costs.

DATED THIS ¹⁴ DAY OF *Sept* 2015

Treasury Solicitor

Information Commissioner's Office

GOVERNMENT LEGAL DEPARTMENT
One Kemble Street
London WC2B 4TS
Ref: Z1505697/ABMAXC/B4
Solicitor for the Appellant

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF
Solicitor for the Respondent

Annex A

In decision notice FER0541832 the Commissioner ordered the disclosure of the following:

- (i) Document 2 – paragraphs 5 and 6 save for the third and fourth sentences of paragraph 6;
- (ii) Document 5 – paragraphs 5; 6; 9 and 10;
- (iii) Document 7 – paragraph 4; and
- (iv) The information redacted from the headers of documents 1; 2; 3; 5; 6 and 7.

The FCO appealed against the material decision notice and in so doing made a late claim of regulation 12(5)(a) in relation to parts of the information which it had been ordered to disclose namely:

- (i) Document 2 – one sentence in paragraph 5;
- (ii) Document 5 – one sentence in paragraphs 6 and 9;
- (iii) Document 7 – paragraph 4; and
- (iv) The information contained in the headers of documents 3; 5 and 6.

The Commissioner considered his position on the late claim of regulation 12(5)(a). The Commissioner concluded that the exception was engaged and that the public interest test favoured non-disclosure of the majority of paragraph 4 within document 7. However, the Commissioner found that the exception was not engaged in relation to a small number of particular words within paragraph 4 of document 7 or the other information to which it has been applied. The Commissioner also accepted that some references in the headers of documents should remain redacted.

The FCO accepts the Commissioner's findings.

The requester has also been contacted and does not seek to challenge the position which has now been agreed between the parties.