

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 31 July 2007

Public Authority: The National Archives
Address: Kew
Richmond
Surrey
TW9 4DU

Summary

The National Archives refused to allow the complainant access to the closed parts of a Foreign and Commonwealth Office file relating to arms sales to Saudi Arabia, citing section 27 of the Freedom of Information Act 2000 (the Act). The Commissioner decided that section 27 is engaged and that the balance of the public interest favours withholding the information sought (much having already been released). He therefore decided that, in refusing this request, The National Archives had dealt with it in accordance with part I of the Freedom of Information Act. In reaching this decision he followed his decision in an earlier, closely related case (ICO reference FS50111530).

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part I of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.
2. The Commissioner has seen that the issues raised by the subject matter of this request are in all material respects identical with that in one earlier matter, and one subsequent matter, brought by the same complainant against the same public authority. Each request concerned very closely related subject matter. In his earlier decision, ICO reference FS50111530 ("the lead decision"), the Commissioner found in favour of the public authority. His reasoning in deciding the engagement of section 27 of the Act and the balance of the public interest in the present matter is identical; accordingly this Notice does not repeat that reasoning, but should be read alongside the lead decision.

The Request

3. On 11 January 2006 the complainant asked The National Archives (TNA) for access to a closed, named Foreign and Commonwealth Office (FCO) file, relating to the supply of armaments to Saudi Arabia. Much of the information in the file has already been released but some folios have been withheld by TNA. The request was one of three closely related requests from the complainant to TNA; the two other related requests were ICO case references FS50111530 and FS50125539.
4. On 29 March 2006 TNA told the complainant that some of the information requested could be released, either in full or in part, but that some could not be released at all. TNA cited section 27 (International relations) of the Act and said that the balance of the public interest was best served by withholding some of the information.
5. On 2 April 2006, the complainant requested an internal review of the decision. On 8 May 2006, following consultation with the then Department for Constitutional Affairs (DCA) and the FCO, TNA said that the section 27 exemption still applied and that the balance of the public interest still favoured its continuing to withhold some information.

The Investigation

Chronology

6. On 15 May 2006 the complainant asked the Commissioner to intervene and, on 9 February 2007, the Commissioner began his investigation. On 21 March 2007 TNA gave the Commissioner its comments and explained its reasons for continuing to withhold some of the information. On 16 April 2007 the complainant gave his further views to the Commissioner.
7. On 18 April 2007 a member of the Commissioner's staff visited TNA and examined the information still being withheld in respect of all three related requests.

Analysis

8. The Commissioner's analysis of the engagement of the section 27 exemption, the balance of the public interest and his concluding view in this matter, are identical with those in the lead decision.

The Decision

9. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps Required

10. The Commissioner requires no steps to be taken.

Right of Appeal

11. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 31st day of July 2007

Signed

**Richard Thomas
Information Commissioner**

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