

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 16 January 2012

**Public Authority:** Foreign and Commonwealth Office  
**Address:** King Charles Street  
London  
SW1A 2AH

#### Decision (including any steps ordered)

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1. The complainant had requested the Foreign and Commonwealth Office file (67/790) regarding the nationalisation of BP by the Libyan Government (1971).
2. The Commissioner's decision is that the Foreign and Commonwealth Office correctly relied on section 23 (1) not to communicate the requested information to the complainant.

#### Request and response

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3. On 29 June 2010 the complainant wrote to the Foreign and Commonwealth Office (FCO) and requested the following information:
  - a. The FCO file (67/790) regarding the nationalisation of BP by the Libyan Government (1971)
4. The FCO, in a letter dated 9 July 2010, informed the complainant that the requested information was exempt from disclosure by virtue of section 23 of FOIA. The complainant, in a letter dated 6 August 2010, asked the FCO to review its decision. The FCO did so and informed the complainant, in an email dated 8 October 2010, that the review upheld the original decision.

#### Scope of the case

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5. The complainant, on 3 December 2010, complained to the Commissioner, about the FCO's handling of her request for information.

## Reasons for decision

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6. Section 23 (1) states that information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3). The requisite bodies being those listed here<sup>1</sup>.
7. This exemption is not subject to the public interest, meaning that if the information in question conforms to the class specified in this exemption, it is exempt from disclosure.
8. On 23 November 2011 the Deputy Commissioner attended a meeting with the FCO at which the nature of the withheld information was considered. On the basis of the explanation given, including the circumstances of relations with Libya at the relevant time, the Commissioner is satisfied that the public authority is entitled to rely upon section 23 (1) to withhold the information.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2000/36/section/23>

## Right of appeal

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9. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

10. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

**Signed** .....

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