

## Using the UK FOIA

### Nick Must

Garrick Alder has a piece in this issue detailing some of the history and foibles of the respective American and British Freedom of Information Acts. I found this a particularly interesting read because I am currently embroiled in a lengthy appeal to the Information Commissioner's Office (ICO) in the UK. As a part of the research for my own previous *Lobster* article 'The Western Union Clandestine Committee: Britain and the "Gladio" networks',<sup>1</sup> I had succeeded in obtaining some documents from the Foreign and Commonwealth Office (FCO). Upon receipt of these papers, the first thing I noticed was that some of the information (a number of names) had been 'redacted' – blacked out, in other words. The covering letter that came with the released documents was vague, in that it merely stated that 'some' information was being withheld. This left me unsure as to exactly how much information was being denied to me. Was it solely the names on the documents I had received, or were there other papers?

Following procedure, I asked the FCO to review its own release; as expected, this was to no avail. The next step has been to further appeal to the ICO. I am part way through that process and nowhere near hitting a complete dead end. One minor victory from the process thus far, is that it has been clarified to me that it is only the names on the documents that are being withheld (i.e. there are no further papers). However, what has really struck me, after reading Garrick's article, is how the continuing denial I am experiencing is based on the FCO using not Provision 23 of the FOIA (which covers 'Information supplied by, or relating to, bodies dealing with security matters') but, instead, Provision 27 (which covers 'International Relations'). The argument from the FCO – and, by direct association, from MI6 – is that the release of the additional names would harm current or future relations with other nations and that:

'The FCO has argued that the fact that the requested information dates from 1949 is irrelevant. This is because disclosure of the withheld information would breach the principle that the UK government does not release the names of officials from its own external intelligence agency, and by extension, those of allied intelligence services. Consequently, the

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<sup>1</sup> <<http://www.lobster-magazine.co.uk/free/lobster72/lob72-western-union.pdf>>

FCO has argued that it would seriously compromise such cooperation and thus prejudice the UK's interests in, and relations with, the countries concerned.'<sup>2</sup>

This argument is patently ridiculous. As I detailed in my Gladio article, one of the names of the participants in the meeting was not redacted. This was Major General John Sinclair, who at the time of the meetings was the Deputy Chief of MI6 and would later be Chief himself. My continuing appeal to the ICO will detail as many other examples as I can possibly gather where the names of MI6 officers have been deliberately released into the public domain by the UK government itself, including the four examples available from the 'Our history' page on the MI6 website!<sup>3</sup>

More anon.

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<sup>2</sup> Email from casework office at ICO, June 12, 2017.

<sup>3</sup> See <<https://www.sis.gov.uk/our-history.html>>.