



Foreign &
Commonwealth
Office

Southern Africa Section
Africa Directorate
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

Mr Murray Hunter
By E-mail: Muz.hunter@gmail.com

Email: dp-foi.imd@fco.gov.uk
Website: www.gov.uk/fco

3 July 2014

Dear Mr Hunter,

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: 0867-13

Thank you for your e-mail of 18 September 2013 asking for information under the Freedom of Information Act (FOIA). You asked:

'I hereby request electronic copies of the following records held by the FCO, from the period 1988.

- Memos and correspondence of the Southern African department that detail circumvention of the international arms embargo on South Africa (sanctions-busting)'*

Further to our letter of 9 June 2014, I can now confirm that we have concluded the search for information relevant to your request. Please accept my apologies for the length of time it has taken to respond to your request for information.

As you are aware, we had been considering the public interest test for section 27 (international relations). However, this exemption no longer applies.

You asked for information in various classes of document that 'detail circumvention of the international arms embargo from the period 1988'. We have interpreted your request to relate only to actual breaches of the international arms embargo on South Africa by the UK during 1988. We have therefore looked at all the material we hold to assess whether these documents relate to actual breaches and whether they would be relevant to your request. Any other material would be outside the scope of your request.

Following the examination of the material and in an effort to be as transparent as possible we have volunteered the attached letter from former Foreign and Commonwealth Office (FCO) Minister Lynda Chalker to the Anti-Apartheid Movement dated 13 April 1988. We have concluded that some of the information contained within it is in scope of your original request. However, we cannot confirm whether the cases mentioned are indeed from the period 1988.

Some of the information in this document has been withheld under section 40 (personal information) of FOIA as it is personal data relating to third parties, the disclosure of which

would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the FOIA apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle which, in our view, would be breached by disclosure. In such circumstances section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

In keeping with the spirit and effect of the FOIA, all information is assumed to be releasable to the public unless it is exempt. The information we have supplied to you may now be published on our website together with any related information that will provide a key to its wider context.

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder. Most documents supplied by the FCO will have been produced by government officials and will be protected by Crown Copyright. You can find details on the arrangement for re-using Crown Copyright information on the TNA website.

I hope you are satisfied with this reply. However, if you wish to make a complaint or if you would like a review of our decision, please write to the FOI and DPA Team, Foreign and Commonwealth Office, K4.10 – K4.13, King Charles Street, London SW1A 2AH. E-mail: foi-dpa.imd@fco.gov.uk. You have 40 working days to do so from the date of this letter. Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the FCO. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

You can also find out more about previous FOI replies published on our website at [Publications - Inside Government - GOV.UK](#).

Yours sincerely,

Martyn Bogush

Martyn Bogush
Desk Officer
Southern Africa Section



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.