

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 February 2024

Public Authority: Cabinet Office

Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant has requested a copy of a letter sent to Sir Winston Churchill. The Cabinet Office refused the request, citing sections 23(1) – security bodies (and in the alternative, section 24(1) – national security), 27(1)(a), (c) and (d) and (2) - prejudice to international relations.
2. The Commissioner's decision is that section 27 is engaged in respect of all the requested information, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. The Commissioner does not require any steps.

Request and response

4. On 19 April 2023, the complainant wrote to Cabinet Office and requested information in the following terms:

"A complete copy of the letter addressed to Prime Minister Winston Churchill on 30 September 1953 contained within the file reference PREM 11/514 entitled "Situation in Persia."

5. Cabinet Office responded on 19 May 2023 and refused to provide the requested information citing sections 23, 24 and 27 of FOIA.
6. Following an internal review Cabinet Office wrote to the complainant on 11 August 2023 and maintained its position.

Background

7. Cabinet Office explained that in September 1953 a letter was sent to the then Prime Minister, Winston Churchill relating to the situation in Iran (known as Persia).
8. The letter is available in The National Archives (TNA) in file PREM 11/514 (Situation in Persia), but parts of it were retained in 2005 under section 3(4) of the Public Records Act 1958.

Scope of the case

9. The complainant contacted the Commissioner on 2 October 2023 to complain about the way their request for information had been handled.
10. The Commissioner considers that the scope of his investigation is to determine whether Cabinet Office is entitled to withhold the requested information by virtue of any of the exemptions it has cited.
11. If the Commissioner finds that one exemption applies to all the withheld information, it will not be necessary to consider the remaining exemptions.

Reasons for decision

Section 27 international relations

12. Section 27(1) of FOIA states that:

“Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) relations between the United Kingdom and any other State,

[...]”

13. Section 27(5) explains that “State” includes the government of any State and any organ of its government, and references to a State other

than the United Kingdom include references to any territory outside the United Kingdom.

14. The Commissioner's guidance¹ on section 27 acknowledges that there is some overlap between the different provisions set out in the exemption. It also recognises that the interests of the UK abroad, and the UK's international relations, cover a broad range of issues.
15. In order for a prejudice based exemption like section 27 to be engaged, the Commissioner considers that three criteria must be met:
 - First, the actual harm which the public authority alleges would, or would be likely, to occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemption.
 - Secondly, the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and the prejudice which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual or of substance.
 - Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – i.e., disclosure would be likely to result in prejudice or disclosure would result in prejudice. If the likelihood of prejudice occurring is one that is only hypothetical or remote the exemption will not be engaged.
16. Furthermore, the Commissioner has been guided by the comments of the Information Tribunal which suggested that, in the context of section 27(1), prejudice can be real and of substance "if it makes relations more difficult or calls for a particular damage limitation response to contain or limit damage which would not have otherwise have been necessary.
17. Due to the nature of the withheld information is not possible to share the full details of Cabinet Office position. However, given the current, and historic relationship between the UK, United States and Iran, it is clear to the Commissioner that disclosure of the information would only serve to make that relationship more difficult.
18. He therefore finds that the exemption is engaged and will go on to consider the public interest test.

¹ [Section 27 - International relations | ICO](#)

Public interest test

Cabinet office position

19. In its response to the requester of 19 May 2023, Cabinet Office acknowledged the public interest in openness in public affairs and in evaluating the foreign policy of the Government. However, it found that there was a stronger public interest in the UK successfully pursuing its national interests. It considered that the public interest against disclosure in this instance is a strong one. Much has already been disclosed (and written) about the relationship of the UK and the United States in respect of Iran. With good reason, the Government opted to retain the requested information while disclosing other documents in PREM 11/514. Cabinet Office consider that its disclosure would not materially build upon the understanding which can already be adduced from the available material and would give occasion for the prejudicial effects it referred to. There is a strong public interest in the UK being able to pursue its foreign relations and its overseas interests without the hindrance of premature disclosures of information.
20. In particular, there is a strong public interest in the relationship with the United States not being undermined and the relationship with Iran not being rendered more difficult. There is also a clear public interest in the UK maintaining its reputation as a state that does not breach confidences, which gives other states assurances that it can confide in the UK without the concern that sensitive information will be put prematurely into the public domain.

Complainant's position

21. The complainant disagreed with exemptions 27(1), (a), (c), (d) for the reasons stated below:

"Having been written over 70 years ago, I disagree that the release of the classified information could offend other nations or impair the trust placed in the UK by its international partners. I disagree with exemption 27(2) on the grounds that the US government has, in the decades since September 1953, declassified a wealth of material relating to the subject matter of this letter (i.e. events in Iran in 1953) and the US role in those events, most recently in June 2017. As a result I believe the United States would not expect the information contained within this historic letter to remain classified to the extent that releasing it could at all harm US-UK relations.

Overall, I disagree that the release of the requested information could be damaging to a degree that outweighs the public interest in its

release. The historic nature of the letter, combined with the information already available in the public domain on the subject (including material released by the United States, Britain's most important ally) means that any withheld information would almost certainly be merely confirmatory rather than revelatory in nature. And releasing the information would demonstrate a meaningful commitment to the principles of openness and transparency from which our democratic society draws its strength, and would in turn greatly increase public faith in Britain's institutions."

22. In their request for internal review the complainant further added:

"I would finally like to invite you to consider whether, given the narrow terms of my request, you could deal with my request by process of redaction, releasing certain parts of the letter while keeping the most sensitive sections classified. For example, are you able to release the name of the sender in light of the information already in the public domain?"

The Commissioner's decision

23. The Commissioner acknowledges the complainant's view and notes their willingness to accept redactions to the requested information, but must balance this against the potential damage to international relations, both with Iran and the USA. Given the long-term volatility and political instability in the Middle East, regardless of the age of the information, disclosure would be likely to prejudice relations between the UK and United States, the UK and Iran and the United States and Iran.
24. The Commissioner therefore finds that Cabinet Office is entitled to rely on section 27 to withhold the requested information.

Right of appeal

25. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

26. 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.
27. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF