



HOUSE OF COMMONS

LONDON SW1A 0AA

Mr David Wray  
Director of Information Exploitation  
6th Floor  
MOD Main Building  
Whitehall  
London  
SW1A 2HB

21 October 2008

Dear Mr Wray,

**Re: Freedom of Information Requests - Rendition**

I am writing to you further to Rt Hon Des Browne's letter of 5 September 2008. This letter constitutes a Refusal Notice to the Freedom of Information requests which I made on 20 June 2008. Please find copies of these two letters enclosed. I am requesting an internal review of the decision to withhold the requested information.

In relation to question 4 of my letter of 20 June 2008, the Secretary of State for Defence has relied on section 23(5) – information supplied by, or relating to, bodies dealing with security matters, and section 24(2) – national security, in withholding this information. Disclosure of information about a policy as it applied in the past should not necessarily raise security concerns. For instance, it is not clear that public knowledge of this policy would compromise the safety or efficacy of troops today. I would be grateful if you could reconsider whether national security concerns relate to disclosure of information about this policy, as it was applied several years ago. I would also be grateful if you could consider whether the national security concerns would allow disclosure of any aspect of the policy, for example, the number of captured individuals arrested or taken into British detention. Such information falls within the request set out in question 4. The refusal is a blanket one, which I find hard to justify.

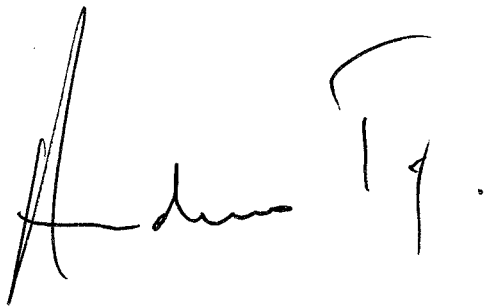
I am concerned that the requests I made in questions 9 and 10 of my letter may have been misunderstood by Mr Browne. I requested all information relating to any individuals who were detained or captured by UK soldiers operating within the joint US/UK task force referred to by Ben Griffin (question 9), and all other individuals that have been detained or captured jointly by British Forces and forces of another country in Iraq or Afghanistan (question 10). Mr Browne interpreted these questions as "*effectively asking for all details of all individuals detained or captured by the UK Armed Forces*". Individuals captured solely by UK Forces operating outside the joint task force referred to by Ben Griffin would not fall within either of these requests. Therefore, unless no individuals have been captured solely by UK Armed Forces outside the joint task force referred to by Ben Griffin, this is an incorrect interpretation of my requests. I would be grateful if you could clarify this point.

The information I requested in questions 9 and 10 was withheld under section 40(2) – Personal Information. Schedule 2 paragraph 5 of the Data Protection Act refers to processing "necessary for the exercise of any functions of either House of Parliament" and "for the exercise of any other function of a public nature exercised in the public interest by any person". The information I requested arguably falls into both of these categories and is necessary to hold Government policy to account on this issue. My request was made in my capacity as a Member of Parliament to enable me, and my colleagues, to carry out our responsibility of holding the Government to account. Without the information we cannot so readily do so. Moreover, serious allegations of mistreatment are clearly relevant to the vital interests of the individuals concerned. There is a strong public interest in having such mistreatment investigated.

I would also be grateful if you could consider the provision of the requested information in a form which could protect the personal information of those affected. For example, much of the information could be anonymised. You could consider whether information such as the number of people detained, the number of people held at the specific detention facilities or the generic categories of detention facility referred to in my requests, or the number and location of detainee transfers, could be provided.

I am placing a copy of this letter in the public domain. I am also copying it to the Secretary of State for Defence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Tyrie'. The signature is written in a cursive style with a large initial 'A' and a distinct 'Tyrie'.

**ANDREW TYRIE**

**Chairman, All-Party Parliamentary Group on Extraordinary Rendition**

Cc. Rt Hon John Hutton MP