



Home Office

Office for Security and  
Counter-Terrorism  
2 Marsham Street, London  
SW1P 4DF

Tel: 020 7035 4848  
Fax: 020 7035 4745  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Mr Mark Taylor  
[request-471487-a29cffb5@whatdotheyknow.com](mailto:request-471487-a29cffb5@whatdotheyknow.com)

FOI: 47760  
04 September 2018

Dear Mr Taylor

Thank you for your email of 15<sup>th</sup> March 2018, in which you asked for the following information:

- 1. The name of the particular Novichok agent allegedly detected in the poisoning of Sergei Viktorovich Skripal and his daughter.*
- 2. Also the number of hospital patients who tested positive for the agent.*
- 3. The symptoms documented with such an exposure of the particular agent alleged in Skripal's poisoning.*
- 4. The titles of any research papers held by Home Office scientists that identify tests for establishing Novichok in a sample.*
- 5. The names of the tests used to establish the Novichok poisoning of the Skripals.*
- 6. The full set of symptoms suffered by the Skripals thus far.*
- 7. The names of research papers identifying how a sample of Novichok can be analysed to identify the site of its synthesis.*

Your request has been handled as a request for information under the Freedom of Information Act 2000.

I can confirm that the Home Office holds information within the scope of your request. In response to question 2, I can confirm that medical samples from three people have shown positive indications of poisoning by a 'Novichok' or closely related agent.

In relation to your other questions, after careful consideration we have decided that the information requested is exempt from disclosure under sections 24(1), 31(1), and 40(2) of the Freedom of Information Act. Section 24(1) provides that information can be withheld from disclosure for the purposes of safeguarding national security. Section 31(1) provides that information can be withheld where disclosure would prejudice law enforcement matters. Section 40(2) provides that information can be withheld where disclosure would breach any of the data protection principles.

Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out in the attached Annex.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to [FOIRequests@homeoffice.gsi.gov.uk](mailto:FOIRequests@homeoffice.gsi.gov.uk), quoting reference 47760. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

**Freedom of Information**  
**Home Office**

## **Annex**

### **Explanation of the exemptions at sections 24(1) and 31(1)**

The Home Office considers the exemptions at sections 24(1) and 31(1) to be engaged towards your request, as disclosure would prejudice national security and law enforcement interests. These exemptions are defined in the Act as follows:

***24(1)** Information which does not fall within subsection 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.*

***31(1)** Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice:*

- (a) the prevention or detection of crime*
- (b) the apprehension and prosecution of offenders*
- (c) the administration of justice*

### **Consideration of the public interest**

Sections 24 and 31 are termed as ‘qualified’ exemptions and are therefore subject to the public interest test (PIT). The public interest test is used to balance the public interest in favour of disclosure against the public interest in favour of withholding the information. The ‘public interest’ is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. The ‘right to know’ must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is ‘applicant blind’. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

### **Public interest arguments in favour of disclosing the information**

The Home Office recognises that there is a general public interest in openness and transparency in all aspects of Government. Such openness would increase public understanding and inform public debate. In the context of this request disclosure would enhance public knowledge of the incident.

### **Public interest arguments in favour of withholding the information**

The safeguarding of national security and law enforcement interests are amongst the weightiest considerations in the FOI Act, and cannot be set aside lightly. To disclose the information requested would provide insight and useful information to those who may pose a threat to the UK’s national security and law enforcement interests. I therefore conclude that in the context of this request the balance of the public interest favours the withholding of the information requested.

## **Explanation of the exemption at 40(2)**

The Home Office has obligations under data protection legislation and in law generally to protect personal data. We have concluded that the information you have requested is exempt from disclosure under section 40(2) of the FOI Act, because of the condition at section 40(3A)(a). This exempts personal data if disclosure would contravene any of the data protection principles in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018.

## **Consideration of the public interest**

Section 40(2) is what is termed an 'absolute' exemption. To this extent the Home Office is not required to undertake an assessment of the balance of public interest in its application.