



Ministry
of Defence

de&s

[REDACTED] LLB(Hons)
DE&S Secretariat (Land Equipment)

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Defence Equipment & Support
Maple 0a # 2043
MOD Abbey Wood
Bristol BS34 8JH



Via:
[REDACTED]

July 31st 2019 Our Ref: FOI2019/07893

Dear [REDACTED],

Thank you for your email of 3rd July 2019 requesting the following information:

It would be helpful if you are able to share your 2008 incident report with us.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held.

The information you have requested is attached, but some of the information falls entirely within the scope of the absolute exemption provided for at section 40 (Personal Data), and qualified exemption provided for at section 26 (Defence) of the FOIA and has been redacted.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 2018. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Section 26 is a qualified exemption and subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Section 26(1)(b) has been applied to some of the information because it contains details which are operationally sensitive and would prejudice the capability and effectiveness of our armed forces. The balance of public interest was found to be in favour of withholding the information given that, overall, the public interest is best served in not releasing any details that would prejudice the security of UK personnel and which would provide tactical advantage to our enemies. For these reasons I have set the level of prejudice against release of the exempted information at the higher level of "would" rather than "would be likely to".

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please

note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

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