



Ministry
of Defence

Secretariat
Defence Infrastructure Organisation
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E-mail: diosecc-parli@mod.uk
www.gov.uk/DIO

Ref. FOI2016/02540

29 March 2016

Dear

Thank you for your email of 24 February 2016 requesting the following information:

- “ 1. Further to your FOI response of FOI2016/00495, please release all correspondence held specifically relating to the need for EMAS arrestor beds at RAF Northolt.*
- 2. Please release the full appendices of Joint Service Publication (JSP) 360.”*

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

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

In relation to point 1 of your request, the information you have requested falls entirely within the scope of the absolute exemptions provided for at Section 43 (Commercial Interests) of the FOIA. Section 43 is a qualified exemption and is 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. 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 non formalised details and 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”.

In relation to point 2 of your request under Section 21 of the Act (Information reasonably accessible to the applicant by other means) you will find the information via the below web address:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/393016/20141218-JSP360.pdf

I also note that the Ministry of Defence (MOD) has received requests on the subject of RAF Northolt within correspondence from you on the following dates:

- 25 September 2015
- 5 November 2015
- 4 December 2015 (two separate FOI requests received on this date)
- 8 January 2016
- 12 January 2016 (two separate FOI requests received on this date)
- 10 February 2016
- 24 February 2016
- 25 February 2016

The Department has complied¹ fully with in its responses to these correspondences. The Department's position has not changed since that response and consequently it is not obliged to comply with your future requests under the terms of section 14(2) of the Act.

This provision exempts public authorities from complying with requests for identical or substantially similar information which has previously been requested unless a reasonable period has elapsed between the requests. Given the nature of the information in scope of this request, it is unreasonable to expect that the Department's position is likely to change from that advised in our previous response for a period of at least 3 months. The Department will not therefore consider any further requests from you on this subject until 23 May 2016. Should you choose to make a request earlier than this it is likely to go unanswered.

Yours sincerely,

DIO Secretariat

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact DIO Secretariat in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

¹ Compliance in this context means either providing the information requested or a refusal notice under section 17 of the Act.