



Ministry
of Defence

DE&S Policy Secretariat
Maple 0a #2043
MOD Abbey Wood
Bristol BS34 8JH

E-mail:
DESSEC-PolSecShipsandSubs@mod.uk



Our Reference:
FOI2015-09397

Date:
16 December 2015

[REDACTED]

Via email:
[REDACTED]

[REDACTED]

Request for Information under the Freedom of Information Act (FOIA) 2000

Further to my letter of 18 November 2015, I am now in a position to provide you with a substantive response to your FOI request. You requested the following information:

In order to assess the situation, and perhaps enable me to be more specific in my request, to reduce the apparent burden, please provide a contents list of Contract No SHIPACQ036 together with a page count against each section and each annex.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). I apologise for the time taken to provide a full response.

I can confirm that the Ministry of Defence (MOD) holds information that falls within the scope of your request, and a copy of the Contents page has been extracted from the main body of the Demonstration Phase of the Type 26 Global Combat Ship contract and is enclosed. The document includes page numbers to enable you to see the numbers of pages in each section of the contract, including Annexes.

As I advised in my letter of 18 November, some of the information has been withheld under the qualified exemption section 43(2) (Commercial Interests) of the FOIA. A Public Interest Test (PIT) was undertaken to determine whether, in all circumstances of the case, the public interest in maintaining the exemptions outweighed the public interest in disclosure. The PIT weighed the presumption of disclosure and enhancement of public accountability against whether reference to specific designs could place at risk the commercial interests of one of the MOD's main contractors.

You may be aware that Section 43(2) is a qualified exemption, which means that, having determined which information falls within its scope, we have to carry out a PIT to determine whether the balance of public interest lies in withholding or disclosing the information. The PIT concluded that for all but one of the schedules, there were no grounds to withhold the information. In the single case it was considered that section 43(2) should be applied as it was considered that the release of such information into the public domain could impact on the commercial sensitivities of one of our major contractors and prejudice its commercial interests.

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You will also recall, in my earlier letter to you, that we were also considering whether some of the information should be withheld under the qualified exemption for section 35 (Formulation of Government policy), we have now conducted the PIT for that specific exemption and have concluded that it does not apply to this information, and there were no grounds to withhold the information.

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 me 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 Team, 1st Floor, MOD Main Building; Whitehall, SWJA-2HB (e-mail: LCIQ.FOIR@mod.uk). Please note that a 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 the case until the 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.gov.uk>

Yours sincerely,

DE&S Policy Secretariat