



Ministry of Defence

Ref. FOI2015/02908

Secretariat
Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
B75 7RL

E-mail: diosec-parli@mod.uk
www.gov.uk/DIO

14 April 2015

Dear

Thank you for your email date of 11 March 2015 requesting the following information:

- *Reports from Landmarc describing any (warning off or otherwise) incidents involving members of the public from September 2014 to date on the lands covered by the Aldershot Military Byelaws 1976."*
- *Numbers and summary details of any insurance claims raised by members of the public following accidents on the lands covered by Aldershot Military Lands Byelaws 1976 since August 2014"*
- *Copies of any correspondence/memos/internal documents discussing the possibility (or implementation) of fencing or restricting public access to any area of the lands covered by the Aldershot Military Lands Byelaws 1976 that is currently accessible to the public (as of March 2015).*

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 (MOD), and I can confirm that some of the information is in scope of your request is held.

Attached at Annex A "Training Safety Marshals-Log Sheet" which answers bullet one of your query and at Annex B a table detailing insurance claims by members of the public following accidents on the lands covered by Aldershot Military Land Byelaws 1976 since August 2014, which answers bullet number two.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. 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.

As regards bullet point three, the MOD holds information related to your request, but we believe the information falls within the scope of the following qualified exemption S35.1(a) which relates to the formation of Government policy. As such it is necessary for us to decide whether, in all the

circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosure.

The Freedom of Information Act requires us to respond to requests promptly and in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to the information and the public interest test has to be conducted, the Act allows the time for response to be longer than 20 working days. A full response must be provided within such time as is reasonable in all circumstances of the case and, in relation to an answer to the third bullet of your request, we estimate that it will take an additional 20 working days to take a final decision on where the balance of public interest lies. We therefore plan to let you have a further response by 11 May 2015. If it appears that it will take longer than this to reach a conclusion we will let you know.

Yours sincerely,

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 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.gov.uk>.