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Our ref: FOI 2014/07527  
Your ref:

23 January 2015

Dear [REDACTED]

We wrote to you on 10 December 2014 advising that we were reviewing the information you had requested on 25 November 2014 in accordance with Section 21 (Information available by other means), Section 22 (Information intended for future publication), Section 26 (Defence), Section 27 (International Relations), Section 29 (The Economy), Section 35 (Formulation of Government Policy), Section 41 (Information provided in confidence), and Section 43 (Commercial Interests), and that we would write to you by the 23 January 2015 with the outcome.

We have now completed our review and some of the information you have requested is attached but some of the information falls entirely within the scope of the absolute exemptions provided for at Section 40 (Personal Data) and qualified exemptions provided for at Section 27 (International Relations), Section 29 (The Economy), Section 41 (Information provided in confidence), and Section 43 (Commercial Interests) of the Freedom of Information Act (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 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.

Section 27, 29, 41 and 43 are qualified exemptions and are 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 27 (1) (a) has been applied because some of the information has the potential to adversely affect relations with our allies. The balance of the public interest test concluded that while release would increase public understanding and confidence in the way defence exports are conducted, the balance of the public interest lay in withholding this information you desire. I have exempted information at the lower level of "would likely" prejudice the UK's international relations.

Section 29 has been applied because some of the information is likely to prejudice the commercial interests of the Ministry of Defence (MOD) and other government departments when dealing with defence suppliers, and potentially damage their ability to secure best value for money for the UK tax payer. The balance of the public interest test concluded that while release would increase public understanding of the MOD's commercial negotiations, the balance of the public interest lay in withholding this information you desire.

Section 41 has been applied because some of the information has been provided in confidence to Dstl by defence suppliers and release would compromise a breach of confidence. The balance of the public interest test concluded that there was little legitimate public interest in the information and that release could constitute a breach of confidence, potentially leaving Dstl open to legal action and damaging the broader working relationship between the MOD and its suppliers. Therefore, the balance of the public interest lay in withholding this information you desire.

Section 43 (2) has been applied because some of the information relates to the functioning of the UK economy. The balance of the public interest test concluded that while release would increase public understanding of the functioning of the UK economy, the balance of the public interest lay in withholding this information you desire as it may prejudice the economic interests of the UK and distort an otherwise free-market economy.

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, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto: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>.

Yours sincerely

Dstl Secretariat