



Ministry
of Defence

Army Secretariat
Army Headquarters
IDL 24 Blenheim Building
Marlborough Lines
Andover
Hampshire, SP11 8HJ
United Kingdom

Ref: Army/Sec/73672/FOI2014/ [REDACTED]

E-mail: Army Sec-group@mod.uk

Website: www.army.mod.uk

[REDACTED]

24 October 2014

Dear [REDACTED]

As you are aware from my letter of 6 October 2014, the Ministry Of Defence does hold information in relation to your Freedom of Information request which was:

The official report (Board of Inquiry) into the circumstances of the deaths of six Army personnel who died whilst participating in Exercise Bold Guard on 11 September 1974.

You were advised that some of the information fell within the scope of a qualified exemption and as such I was required to conduct a Public Interest Test to decide if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The information you have requested can be found enclosed but some of the information falls entirely within the scope of the absolute exemptions provided for at sections 40 (Personal Data) and Section 41 (Information provided in Confidence) and qualified exemptions provided for Section 27 (International Relations) and Sections 30 (1) (b) (Investigations and Proceedings) and 30 (2) (b) (Obtaining information from confidential sources).

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 41 has been applied to some of the information as it relates to information provided in confidence as part of the proceedings. Both of these exemptions are absolute exemptions and there is no further requirement to consider the public interest in making a decision to withhold the information.

Section 27, 30(2)(a)(iii) and 30(2) (b) 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 whilst release would increase public understanding and confidence in the relation the United Kingdom has with other international states the balance of the public interest lay in withholding this information.

Sections 30(2)(a)(iii) and Sections 30(2)(b) has been applied because some of the information has been obtained specifically for the Board of Inquiry and obtained from sources in confidence. A public interest test was conducted, and whilst release would be in keeping with the Freedom of Information Act's general presumption of openness to allow the public access to the information available in this case, this was balanced with the fact that if witnesses knew the information they provided in confidence to the Board was to be released in the public domain they may be reluctant

to provide full and frank details of the event. Therefore the balance of public interest lay in withholding this 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 Compliance Team, First 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>.

Yours sincerely

[Redacted]

[Redacted]