



Ministry
of Defence

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Policy Secretariat

Defence Equipment and Support
Ministry of Defence
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Your Reference:

Our Reference:
[REDACTED]

Date:

28 November 2014

[REDACTED]

Thank you for your email dated 5 November 2014. You asked:

....for JSP 768 - Defence Clothing Catalogue

Yes, I agree with your proposal; may I refine the request to narrow down the information to just:

ARMY ORGANISATIONAL INSIGNIA

A previous edition of the document, and the one that I interested in, was headed:

**Section AT3-4, Part of DMC CB
ARMY ORGANISATIONAL INSIGNIA**

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). A search for the information has been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held.

However, we considered that some information fell within the scope of the following qualified exemption: Section 43 (*Commercial Interests*). As such it has been necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosure.

We have now completed this work and I can tell you that we have concluded that some of the information you have requested falls within the scope of the qualified exemption provided for at Section 43(2) (*Commercial Interests*) of the FOIA and has been withheld.

Section 43(2) provides that information is exempt if its disclosure would, or would be likely to prejudice the commercial interests of any organisation or person holding it, including the MOD and its contractors.

The FOI Act contains a presumption in favour of disclosure and there is a public interest in the release of information which supports the accountability of the MOD for its use of public money; for example, to demonstrate that value for money is being obtained for taxpayers and that effective contractual processes are in place. Greater transparency of decision making processes makes government more accountable and the release of information would allow an increased public understanding of how the procurement processes are undertaken in an open and honest way.

The Public Interest Test also recognised that releasing the cost guide for individual line items detailed in Section AT3-4, JSP 768 would prejudice commercial interest and weaken a company's position (in this case the current contractor) in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors. The MOD's ability to secure best value for money could also be affected.

Please find attached a copy Section AT3-4 from JSP 768 - *Defence Clothing Catalogue* in which the cost guide prices have been redacted.

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, 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 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



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