



Ministry
of Defence

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Policy Secretariat

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Ministry of Defence
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Email: [REDACTED]

Your Reference:

Our Reference:
[REDACTED]

Date:
6 June 2014

Dear [REDACTED],

On 23 March 2014 you asked:

***Can you please detail the individual financial returns for each of the seven Type 42 Destroyers scrapped to date listed below?
HMShips Birmingham, Newcastle, Glasgow, Cardiff, Exeter, Southampton and Nottingham.***

On 11 April 2014 I wrote to you to acknowledge your email as a request for information in accordance with the Freedom of Information Act; to inform you that the MOD held information relating to your request and to explain that we believed the information fell within the scope of qualified exemption: Section 43 (*Commercial Interests*). As such it was necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighed 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 (PIT) also recognised that releasing details about receipts from the sale of individual Type 42 Destroyers would prejudice the Department in obtaining a fair market price from the sale of further Type 42s later this year. However, this argument needed to take into account the dates of those previous sales and consider how much utility could be derived from financial information about these sales, given that market prices would have changed significantly in the intervening period.

Accordingly, the PIT concluded that the requested information about the sale of the former HM Ships Birmingham, Cardiff Newcastle and Glasgow, between 2000 and 2009, could be released as follows:

HMS Birmingham	£83,600	Sold 2000
HMS Cardiff	£250,000	Sold 2008
HMS Newcastle	£250,000	Sold 2008
HMS Glasgow	£250,000	Sold 2009

The PIT also concluded that release of the information relating to the sale of the former HM Ships Exeter, Southampton and Nottingham, which took place in 2011, would prejudice the commercial interests of the MOD and that the balance of the arguments lay in favour of withholding the information to protect the commercial interests of the MOD and its customers.

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>.

Yours sincerely


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