

Secretariat

Building 5
Porton Down
Salisbury
Wiltshire
SP4 OJQ

T 01980 61 3121
F 01980 65 8400

Dstl is part of the
Ministry of Defence

dstlfoi@dstl.gov.uk
www.dstl.gov.uk



Our ref: FOI 2014/04705(e)
Your ref:

14 October 2014

Dear _____

Thank you for your email of 1 October 2014 requesting an informal resolution of the time required to identify relevant information and the provision of information not supplied in your original request dated 1 September 2014 as below.

1. *All procedures and policies that relate to DSTL procurement, for the last 12 months.*
2. *All procedures and policies relating to Anti-Bribery and Corruption.*
3. *All procedures and policies that relate to complaints received by DSTL.*
4. *Details of all complaints relating to the CDE, including follow-up work.*
5. *Details of all complaints received relating to a perceived or actual breach of Intellectual Property Rights (IPR) by DSTL.*

In our response dated 25 September 2014 we confirmed that MOD held some information in scope of the topics for which you requested information. However, we advised that it would exceed the cost limit for compliance (set at £600 which equates to 24 hours work at a flat rate notional cost of £25 per hour) to supply all information in scope of your request. I note your disappointment that no information was provided in this case but in situations where it is appropriate to apply a section 12 refusal on the grounds of cost a public authority is not required to provide any information in scope of the request. However, it is obliged to explain why the request exceeds the cost limit and under section 16 provide help and assistance to assist you formulate a refined request within the cost limit. I am sorry if the response of the 25 September did not adequately cover these issues. I hope that this additional letter will therefore supplement the previous response.

Under section 16 public authorities are obliged to provide help and assistance to those who propose to make, or have made, requests for information to it. In order to help you refine your request I can advise that some relevant information relating to your individual questions (nos 1 to 3) is available at the following websites:

1. *All procedures and policies that relate to DSTL procurement, for the last 12 months.*

Dstl operates in accordance with UK Government procurement requirements as detailed at <https://www.gov.uk/acquisition-operating-framework>

2. *All procedures and policies relating to Anti-Bribery and Corruption.*

Dstl operates in accordance with UK Government requirements as published on .gov.uk.

<https://www.gov.uk/anti-bribery-policy>

3. *All procedures and policies that relate to complaints received by DSTL.*

As a trading fund of the Ministry of Defence Dstl is required to follow the MOD procedures:

<https://www.gov.uk/government/organisation/ministry-of-defence/about/complaints-procedures>

4. *Details of all complaints relating to the CDE, including follow up work.*

As stated previously, due to the size of the information, it would take one person 72 hours to complete a response to your request in full. The reason for this is because your request at question 4 would exceed the cost limit in its own right. CDE has been in operation for over six years and, due to the devolved business model it operates, has engaged with many organisations during this time. The request would require the review of all competitions and contracts and examination of all questions or issues raised to determine which, if any, are actually complaints. However, I should correct the previous response, the estimated cost includes an estimate for locating, retrieving and extracting information not redacting, the latter activity (if necessary) is not included in the cost estimate as set out in the Fees regulations associated with the Act.

With regard to the fifth element of your request MOD can confirm that in the last 5 years there have been no complaints made under the Information Fair Traders scheme for misuse of MOD or third party Copyright by the MOD. However, in order to give a complaint response under FOI we would need to identify the information in relation to 'all' complaints ever received which would involve an extensive search.

Having advised on the policy and procedure documents that are in the public domain, it follows that if you have any specific policy or procedure issue that you consider is not represented in the public domain documents it is open to you to submit a refined request seeking recorded information about it. With regard to information about particular complaints you will need to refine your request to a particular period of time and/or a particular topic or area of complaint in which you are interested. Please be aware that if you make a refined request it may be necessary to give consideration to withholding some of the information by the use of exemptions such as those at section 26 (Defence), section 27 (International Relations), section 40 (Personal Information), section 41 (Information Provided in Confidence), and section 43 (Commercial Interests),

I hope this letter is helpful.

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

Dstl Secretariat

