



# Ministry of Defence

Air Command Secretariat  
Spitfire Block  
Headquarters Air Command  
Royal Air Force  
High Wycombe  
Buckinghamshire  
HP14 4UE

Ref. 2014/01450

By email: [REDACTED]

07 July 2014

Dear [REDACTED]

Thank you for your email of 12 May 2014 requesting the following information:

*My apologies for the delay in replying, after your much prompter response.*

*As suggested, I have re-phrased and re-fined my questions below. Thank you for the pointing out my error in this regard.*

- 1) *What was the ACOs procurement process for the Ultilearn exam system?*
- 2) *Please provide details of any alternative software that was considered during this process?*
- 3) *Please provide details of why any alternative software was dismissed during this process?*
- 4) *Were any volunteers approached for advice, or with an aim to develop a bespoke in house system?*
- 5) *Who made the final sign-off on the purchase of Ultilearn?*
- 6) *What has been the total to date cost for the purchase, support and maintenance of the Ultilearn exam system?*

I am treating your correspondence as a request for information under the Freedom of Information Act (FOIA) 2000. I can confirm that the Ministry of Defence holds some information within the scope of your request.

Some of the information falls within the scope of the absolute exemptions provided for at Section 40 of the FOIA. 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. I will now address each of your questions in turn.

1) No information held. During transition from paper to electronic records and a transfer of computer based filing systems, the information has been lost. Section 16 of the FOIA requires a public authority to provide applicants with reasonable advice and assistance. Therefore, I can tell you that because the requirement for a new exams system had become critical, no tenders were sought. An investment appraisal was conducted and it was decided by internal experts that Utilearn was the best package for the Air Cadet Organisation. The information provided is from individual recollection and not recorded information.

2) Please see attached Annex A for the information held. Some information falls under Section 40(2) of the FOIA and has been redacted. Under Section 16 of the FOIA I can tell you that Moodle was also considered.

3) Please see attached Annex A for the information held. Under Section 16 of the FOIA I can tell you that Moodle was dismissed because it required greater maintenance, support and development. The information provided in question 2 and here on Moodle is from individual recollection and not recorded information.

4) No information held.

5) This information has been withheld under Section 40(2) of the FOIA.

6) I can confirm that some of this information is held and falls under Section 43 of the FOIA. Section 43 is a qualified exemption, meaning the MOD must assess the balance of public interest in release of this information.

#### Public interest factors in favour of disclosure

There is a legitimate public interest reason for seeing that the MOD manages its commercial activities in a proper and efficient manner and in the best interests of the taxpayer.

The release of this information would demonstrate the MOD's commitment to its openness and transparency in relation to its commercial activities.

#### Public Interest (PI) factors against disclosure

There is a need for the MOD to deal with commercial organisations and to negotiate the best possible deal for the taxpayer. The release of this information might undermine that position.

Details of contractors' pricing structures, internal costings information or profit margins are generally withheld from industry to maintain fair competition.

Companies could be deterred from sharing commercially sensitive information with the MOD if they are unsure about whether their information would be protected.

It is for these reasons that we do not believe it would be in the public interest to release this information.

It may be useful for you to know that Section 1 of the FOIA gives an applicant the right to recorded information held by public authorities at the time the request is made and does not

require public authorities to answer questions, provide explanations or give opinions unless the recorded information is held.

If you are not satisfied with this response or 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**, 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,

Air Command Secretariat