



Ministry of Defence

Ministry of Defence
Main Building (01/D/06)
Whitehall
London SW1A 2HB
United Kingdom

Ref: FOI/xxxxx [insert also their reference if they provide one]

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Mr A N Other

E-mail address: [ANOther@email address or full postal address]

25 April 2013

Dear [Mr/Mrs/Ms *applicant's name*]

Thank you for your [letter/email] of [date] requesting the following information:

"I want all information related to advice on answering FOI requests in the MOD"

[repeat precisely those parts of the original request which described the information requested but omit any superfluous information in the request].

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that [no information, some information, all the information] in scope of your request is held. [NOTE:- For NCND wording see separate template]

The information you have requested can be found [enclosed, below, at annex A etc], but some of the information falls entirely within the scope of the absolute exemptions provided for at [sections 40 (Personal Data) and etc], and qualified exemptions provided for at [sections 26 (Defence), 27 (International Relations) and 42 (Legal Professional Privilege) etc] of the FOIA and has been [redacted, withheld].

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.

Section 26, 27 and 42 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.

[For each exemption, provide an explanation of why each exemption is relevant to the context of the request, summarise the outcome of the PIT and where relevant set the level of prejudice]

Section 26(1)(b) has been applied to some of the information because it contains details which are operationally sensitive which contribute to the C-IED tactics and would prejudice the capability and effectiveness of our armed forces. The balance of public interest was found to be in favour of withholding the information given that, overall, the public interest is best served in not releasing any details on the assistance we provide to other states in that it would prejudice the security of UK

personnel serving abroad and which would provide tactical advantage to our enemies and for these reasons I have set the level of prejudice against release of the exempted information at the higher level of “would” rather than “would be likely to”.

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 in its assistance with operations the balance of the public interest lay in withholding this information you desire. I have considered it necessary to apply the higher level of prejudice against release of the exempted information at the higher level of “would” rather than “would be likely to” [Note if you are running out of time and haven’t heard back from an international stakeholder the level of prejudice should be set at “would be likely to”.]

Section 42(1) has been applied because some of the information has been provided by lawyers in confidence as legal advice. The outcome of the balance of the public interest test concluded that whilst release would promote openness, transparency and a further understanding of government processes in decision making. It has been necessary to weigh the factors favouring disclosure on a case by case basis against the strong public interest in protecting the LPP which has been recognised by the courts and the Information Tribunal. The balance of the public interest therefore lay in withholding this information you desire.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note [explain factual information which supports the information / withheld information and provides context. Note this is not a free text area to insert treat official style responses]

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,

Inset role title or suitable signature block including name