



# Ministry of Defence

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Our Reference: FOI2015/08223

[REDACTED]

[REDACTED]

21 October 2015

Dear [REDACTED],

Thank you for your email to the Ministry of Defence (MOD) dated 22 September in which you requested the following information:

*Under the FOI Act, I would like to know how many service personnel have been disciplined or prosecuted for animal cruelty in relation to service animals rather than domestic pets. I would like details for the last five years, the nature of the offence, the animal which suffered, and the units involved.*

I am treating your correspondence as a request for information under the Freedom of Information Act (FOI) 2000. Following a search of our records, I can confirm that the MOD does hold information on the subject you have requested. However, I must advise you that it is not possible answer your request within the appropriate FOI cost limit.

Section 12 of the FOI Act makes provision for public authorities to refuse requests for information where the cost of dealing with the request exceeds the appropriate limit. This limit is specified in FOI regulations and for central government is set at £600. This represents the estimated cost of one person spending three and a half working days in determining whether the Department holds the information, and locating, retrieving and extracting the information.

'Animal Cruelty' is not a specific military offence; therefore any complaints would be dealt with at a local level unless it was part of an ongoing disciplinary matter where there has also been a contravention of Orders or Military Service Law. The MOD would therefore have to search all administrative and discipline cases for the last five years in order to determine if it was a case related to "animal cruelty". Equally, if a civilian made a complaint against a member of the Armed Forces it would also, initially, be dealt with informally as part of the line management chain. Again, only a case which had been formally investigated would be recorded fully.

Currently, the average number of Courts Martial, Summary Hearing and/or Major Administrative Action cases that the Armed Forces administrate per year exceeds 5900.

Therefore, a five minute per record search to establish if “animal cruelty” was recorded in a case, would exceed the FOI cost limit.

Under Section 16 of the FOI Act I can advise that by narrowing the question to a specific unit and a sufficiently narrow timeframe a response could be provided within FOI cost limits.

I hope that this information will be helpful to you.

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.org.uk>.

Yours sincerely,

  
Defence People Secretariat