



# Ministry of Defence

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[REDACTED]

13 February 2015

Dear [REDACTED],

Thank you for your email of 25 January in which you requested the following information:

*I would like to make the following request under the provisions of the Freedom of Information Act 2000 and relate to the work of the Special Investigations Branch of the Royal Military Police. 1) How many individuals in the armed services between 1990 and 2000 were arrested on suspicion of being homosexual or gay? Could the year of arrest please be given - and also whether army, navy, RAF, along with, if possible, the rank of the individual. 2) How many individuals between 1990 and 2000 were then discharged with a criminal record following investigation? Please could year of discharge be given - and also whether army, navy, RAF, along with, if possible, the rank of the individual.*

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, broken down by each Service below.

## **ROYAL NAVY**

The Royal Navy Police did not arrest naval personnel for being homosexual. In regard to Q2, this information is not held centrally as the Royal Navy Police Special Investigations Branch do not hold specific data relating to actual discharge dates, this would have been actioned by individual ships/units/establishments as required.

## **ARMY**

The MOD may hold some information on the numbers, year by year, of those Service Personnel who were dishonourably discharged (including those charged and imprisoned) for Homosexual (Same Sex) offences between 1990 and 2000. However, I have to advise you that owing to the 10 year time frame you have specified, we will not be able to answer your request without exceeding the appropriate limit. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600.

This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving and extracting it. Under Section 16 of the Freedom of Information Act it may be helpful if I explain that Homosexuality ceased to be an offence in the Armed Forces in 2000. Until then personnel could be discharged under Queens Regulations (QRs), for a number of reasons e.g. if an offence was proven, personnel could be discharged for Misconduct under QR 9.404, or if an admission was made or "evidence" uncovered, which did not result in prosecution, then QR 9.414, Services No Longer Required, could be used. If you should wish to consider refining your request then you should be aware, as each Service Record during a specified period would need to be manually searched, this could result in the cost limit being exceeded again.

### **ROYAL AIR FORCE**

The RAF Police are unable to identify the numbers of RAF Personnel that were arrested or whether any of them were discharged as this information is not held centrally.

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, 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>. I hope this information is helpful.

Yours sincerely,

Defence Personnel Secretariat