



Ministry
of Defence

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Your Reference:

Our Reference:
2016/03982

Date:
13 May 2016

[REDACTED],
[REDACTED]

Thank you for your email dated 6 April 2016. In relation to the sale of a Sea King helicopter to the Morayvia Science and Technology Experience Project (STEP) you asked:

Can I see a copy of the business case please?

On 14 April 2016 I wrote to you to acknowledge your email as a request for information in accordance with the Freedom of Information Act; to inform you that the MOD held information relating to your request and to explain that we believed the information fell within the scope of qualified exemption: Section 43 (*Commercial Interests*). As such it was necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemptions outweighed the public interest in disclosure.

We have now completed this work and I can tell you that we have concluded that some of the information contained within the requested document, falls entirely within the scope of the qualified exemptions provided for at Section 43(2) (Commercial Interests) of the FOIA and has been withheld.

Section 43(2) provides that information is exempt if its disclosure would, or would be likely to prejudice the commercial interests of any organisation or person holding it, including the MOD and its contractors.

The FOI Act contains a presumption in favour of disclosure and there is a public interest in the release of information which supports the accountability of the MOD for its use of public money; for example, to demonstrate that value for money is being obtained for taxpayers and that effective contractual processes are in place. Greater transparency of decision making processes makes government more accountable and the release of

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information would allow an increased public understanding of how the procurement processes are undertaken in an open and honest way.

The Public Interest Test recognised that in addition to commercial information about the sale to Morayvia STEP, the requested Business Case also contained information about previous disposals of Sea King helicopters. This information included both the sale receipt and the condition of aircraft at the time of sale. The sale of Sea Kings is on-going and the release of information about previous sales could prejudice future sales of these aircraft and therefore the market prices that DSA can achieve. More widely, it could also result in companies generally being deterred from sharing commercially sensitive information with the MOD if they are unsure about whether their information would be protected.

I am also withholding the names of MOD personnel mentioned in the Business Case in accordance with Section 40 (Personal Information) of the FOI Act. Section 40(2) has been applied 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.

Please find attached a copy of the requested Business Case which includes redacted information for the reasons explained above.

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, 2nd 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


Secretariat
Defence Equipment and Support