



Ministry
of Defence

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Dear

Thank you for your email of 20 October 2014 requesting the following information:

"I understand British forces in Iraq recovered and destroyed chemical weapons munitions containing Sarin on at least two separate occasions in 2006, namely,

- sixteen 122mm Al Borak cannisters, on or around 15 January 2006, and*
- five 122mm Al Borak cannisters, on or around 5 May 2006.*

This is a freedom of information request for copies of the incident summaries or reports written by the EOD teams (or their superiors) concerning each incident.

Additionally, please can you supply incident reports for any other recovery of Chemical weapons munitions containing Sarin or other nerve agents by British forces in Iraq since 2003?"

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 information in scope of your request is held.

I confirmed with yourself that, in the absence of reports by EOD Teams, you would be happy to receive CBRN Team reports on the incidents in question. These reports are enclosed, but some of the information within them falls entirely within the scope of the absolute exemptions provided for at sections 40 (Personal Data), and qualified exemptions provided for at sections 26 (Defence) and 27 (International Relations) of the FOIA and has been redacted.

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 this information.

Section 26 and 27 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.

Section 26(1)(b) has been applied to some of the information because it contains details which are operationally sensitive in terms of what they would disclose about how we detect, test, transport and dispose of CBRN material; their disclosure would therefore prejudice the capability and effectiveness of our armed forces. The balance of public interest was found to be in favour of withholding the information on this basis, as it would provide tactical advantage to our enemies. 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. Applying the balance of the public interest test, I concluded that, whilst release would increase public understanding of these operations in which there is a legitimate public interest, this was in some cases outweighed in overall terms of public interest by the damage that could be done to our international relations. I have applied the level of prejudice against release of the exempted information at the level of “would be likely to”

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,

PJHQ J8 Secretariat