



Ministry  
of Defence

Ministry of Defence  
Main Building [REDACTED]  
Whitehall  
London SW1A 2HB  
United Kingdom

Telephone [REDACTED]  
[MOD]:  
Facsimile [REDACTED]  
[MOD]:  
E-mail: [REDACTED]

Our Ref: TRANS 04/01/02

[REDACTED]

23 July 2015

Dear [REDACTED],

References:

- a. Your email dated/timed 26 May 2015/22:09
- b. TRANS 04/01/02 dated 5 June 2015
- c. Your email dated/timed 08 June 2015/21:17
- d. TRANS 04/01/02 dated 7 July 2015
- e. My email dated/timed 21 July 2015/14:46

To recap, your correspondence at reference (a) was considered to be a request for information in accordance with the Freedom of Information Act 2000 (FOIA). You requested the following information:

*"I have read the MOD Permanent Secretary set of objectives published at the following webpage: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85933/objectives\\_jon\\_thompson.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85933/objectives_jon_thompson.pdf)*

*These objectives include: **Deliver a 'liability review' of all posts down to Band B.** and also record a milestone of **"Complete 'liability review' by 30th November and agree implementation plan"***

*I write to request a copy of any "Liability Review" documents."*

After receiving reference (b), you clarified your request as follows (reference (c)):

"The information that you provided (the 2014 response) provided me with the guidance necessary to clarify my request and I therefore write to request:

1. The response states "*The Defence Reform Unit (DRU) undertook the Liability Review in response to a key recommendation from Lord Levene's 2011 Defence*

*Reform report. In doing so it provided guiding principles to all TLBs on 18 Nov 11 "*  
I therefore write to request a copy of the guiding principles provided to TLBs (?) on 18 Nov 11.

2. The response states "*During the course of the Liability Review the DRU also requested and reviewed submissions from each TLB on how their proposed future senior structures would meet the requirements and intent of the Review.*" I therefore write to request a copy of each request from the DRU and the submissions made by each TLB."

At reference (d) I confirmed that the MOD holds the information you require, provided a copy of the guiding principles dated 18 Nov 2011 as requested in your point 1 above, and stated that we were now considering whether any of the information contained in the submissions that you requested in point 2 fell within the scope of qualified exemptions Section 35 (Formulation of Government Policy) and/or Section 36 (Prejudice to effective conduct of public affairs) and that we would therefore need to extend the deadline for providing a response by 10 working days to 21 July in order to examine where the balance of public interest lies.

Finally, at reference (e) I informed you that I would have to ask for a further extension of two working days as we would need to consider further exemptions on one specific report under Section 23 (Information supplied by, or related to, bodies with security matters), Section 26 (Defence) and Section 27 (International Relations).

Given the type of data that you have asked for and mindful of the MOD's duty to provide advice and assistance, I believe some basic background to the data and structure of the MOD may be helpful. The information contained in the submissions is historical and the figures and assumptions that were formulated in 2012 were based on a different context to the one that exists today. At the time of the Liability Review referred to in your request, the MOD was divided into seven Top Level Budgets (TLBs):

Head Office and Corporate Services (HOCS)  
Navy Command  
Army Command  
Air Command  
Joint Forces Command (JFC)  
Defence Infrastructure Organisation (DIO)  
Defence Equipment & Support (DE&S).

The Defence Materiel Strategy led to the launch of DE&S as a Bespoke Trading Entity in April 2014. This marked the start of a three year period of transition and transformation designed to ensure that DE&S becomes a world class defence procurement organisation. Information Systems and Services (ISS) and the Naval Bases were transferred out of DE&S to other organisations within the MOD, leading to a greater reduction in headcount for DE&S than anticipated and leaving the MOD with six TLBs.

Your request asks for copies of the DRU document requesting reports from the TLBs and the final report for each of the then seven TLBS . The general exemptions that were considered against these documents were section 35 (Formulation of Government Policy) and section 36 (Prejudice to Effective Conduct of Public Affairs). Both of these are qualified exemptions and, therefore a Public Interest Test had to be undertaken. The public interest test concluded that whilst there is some public interest in ensuring that

there is space for officials to discuss policy freely, the historic nature of the material and the public interest in disclosing how a decision is reached outweighed the use of the exemption. **Therefore the public interest test on these exemptions found in favour of release.**

However, as I mentioned to you at reference e, when the individual reports were examined in greater detail it was found that the JFC report contained some information that would need to be exempted under Section 23 (Information supplied by, or related to, bodies with security matters), which is an absolute exemption. It also contained possible minor exemptions under Section 26 (Defence) and Section 27 (International Relations), which are both qualified exemptions and, therefore, need a public interest test.

Please find attached the following documents with redactions for personal role information in address bars and signature blocks only as per Section 40 of the FOIA:

a The DRU instructions on liability review final reports:

1. 20120312-Liability\_Review-TLB\_Instruction\_on\_final\_reports.tif

b The Navy Command final report consisting of:

1. 20120330-Navy Command Liability Review final report-redacted version.tif
2. 20120330-Navy Command Liability Review final report-Ann A-redacted version.tif
3. 20120330-Navy Command Liability Review final report-Ann B-redacted version.tif
4. 20120330-Navy Command Liability Review final report-Ann C-redacted version.tif

c The Army Command final report consisting of:

1. 20120402-Army-SR\_Off\_LIABILITY\_REVIEW\_FINAL\_REPORT-Final-Redacted.tif

d The Air Command final report consisting of:

1. 20120329 Air Command Liability Review final report -redacted version.tif
2. 20120329 Air Command Liability Review final report-AnnAandB-redacted version.ppt
3. 20120329 Air Command Liability Review final report-AnnC-redacted version.ppt

e The HOCS final report consisting of:

1. 20121005-Liability Review HO CommentaryandSpreadsheet-redacted.pdf

f The DE&S final report consisting of:

1. 20120911-Defence Liability Review-DES Return-FINAL-redacted.tif
2. 20120911-Defence Liability Review-DES Return-FINAL-Annex-redacted.tif

g The DIO report consisting of:

1. 20120910-DIODITP 0035 Liability Review Report-redacted.tif
2. 20120910-DIODITP 0035 Liability Review Report-Ann a.vsd
3. 20120910-DIODITP 0035 Liability Review Report-Ann b.vsd
4. 20120910-DIODITP 0035 Liability Review Report-Ann c.vsd
5. 20120910-DIODITP 0035 Liability Review Report-Ann D.xls

Please also find attached the JFC report consisting of:

1. 20120426-JFC-liabilityreviewfinal-redacted-1.tif

The following exemptions have been applied to this document:

Page 1, Footnote 1 – Section 23 (Information supplied by, or related to, bodies with security matters) – absolute exemption.

Point 8 (part of) - Section 23 (Information supplied by, or related to, bodies with security matters) – absolute exemption.

Annex A (part of) – Section 26 (Defence) – qualified exemption (see public interest test below)

Annex B, 'Defence Intelligence' paragraph (part of) – Section 26 (Defence) and Section 27 (International Relations) - qualified exemption (see public interest test below)

Annex B, heading following 'Defence Academy – Section 23 (23 (Information supplied by, or related to, bodies with security matters) – absolute exemption.

Annex C (part of) - Section 26 (Defence) – qualified exemption (see public interest test below)

Annex E, point 4a (part of) and all of point 4c - Section 23 (23 (Information supplied by, or related to, bodies with security matters) – absolute exemption.

(NB – Annex D was an organisational construct of JFC as at 2 Apr 2012. This document has yet to be found in our records, but I will continue searching and provide a copy once it has been located)

In using Section 26 (Defence) to exempt certain information within this document, we have assessed the public interest in disclosing the data (widespread interest in defence policy and how it is formed) against the public interest in non-disclosure (Revealing Defence Intelligence capability priorities could enable adversaries to build a better organisational picture of UK Defence, enabling hostile intelligence agencies to determine which parts of UK Defence to most effectively target). **On balance, we believe the public interest is best served by withholding the highlighted text as disclosure would prejudice the UK's defence capability.**

In using Section 27 (International Relations), we have assessed the public interest in disclosing the data (again, widespread interest in defence policy and how it is formed) against the public interest in non-disclosure (Releasing this information could harm the

UK's relationship with close allies which could consequently compromise our intelligence sharing with those allies). **Again, on balance we believe the public interest is best served by withholding the highlighted text as disclosure would prejudice the UK's defence capability.**

Further information on present MOD structure can be found in 'How Defence Works' ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/420016/20140930\\_24153\\_How\\_Defence\\_Works.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/420016/20140930_24153_How_Defence_Works.pdf)). If you need any further clarification please let me know and I will endeavour to supply it.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, 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-@mod.uk](mailto:CIO-FOI-@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date of this letter.

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,

[Original signed]

A solid black rectangular redaction box covering the signature area.