



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

Our Ref: 20141107 - FOI2014/06855

Telephone [MOD]: +44 (0)20 721 890000

E-mail: [DBR-DefSy-
Secretariatoffice@mod.uk](mailto:DBR-DefSy-Secretariatoffice@mod.uk)

E-mail address:
[REDACTED]

01 December 2014

[REDACTED]

Thank you for your email of 7 November 2014 requesting the following information:

"I would like to request copies of the two manuals that cover destruction of classified records at the MoD."

In addition, you referenced paragraph 39 of Sir Alex Allan's Records Review (published August 2014).

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370930/RECORDS_REVIEW - Sir Alex Allan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370930/RECORDS_REVIEW_-_Sir_Alex_Allan.pdf)

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

The information within the scope for your request is contained in two documents: Joint Service Publication (JSP) 441 – Defence Records Management Policy and Procedures, which explains MOD's obligations under the Public Records Acts and defines the records management policy which applies throughout MOD; and JSP 440 – The Defence Manual of Security. This manual covers a wide range of security aspects including personnel, physical, and communications security as well as the destruction of classified records.

JSP 441 is exempt from disclosure under Section 21 of the Act because it is already accessible to you by other means. It is already in the public domain, and can be accessed from the following hyperlink: <https://www.gov.uk/government/publications/jsp-441-defence-records-management-policy-and-procedures--2>.

Turning now to JSP 440, parts of the information contained in the Manual fall within the scope of the absolute exemptions provided for at section 23 (Information supplied by, or relating to, bodies dealing with security matters) and the remainder falls within the scope of the qualified exemptions provided by sections 24 (National Security), 26 (Defence), 27 (International Relations) and 31 (Law Enforcement) of the FOIA and have therefore been withheld.

The aforementioned section 23 is absolute and is not subject to public interest testing. Sections 24,26,27 and 31 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.

It is in the interest of the future security of Defence personnel, assets and information and in order to deter any hostile intent that it has been decided not to release JSP 440. The following FOI sections have been applied when reaching this decision:

- Section 23(1) (Information supplied by, or relating to, bodies dealing with security matters). Applies to some information in scope of your request. This is an absolute exemption and not subject to public interest testing.
- Section 24(1) (National Security) applies to some information in scope of your request. This is because releasing the measures Defence is taking to protect key sites and infrastructure could be exploited by those with hostile intent, with consequent impact on national security. A public interest test has been conducted, and the balance of public interest found to be against release of this information.
- Section 26(1)(b) (Defence) has been applied because some of the information in scope of your request has the potential to prejudice:
 - Plans and measures for the maintenance of essential supplies and services.
 - Development, production, technical specification and performance of equipment.

which if held by any persons with hostile intent could be detrimental to the security and safety of assets and personnel in the UK and abroad. The balance of public interest test was found to be in favour of withholding the information given that, overall, the public interest is best served in not releasing any details on the security of personnel, assets and information in that it would prejudice the security, capability and effectiveness of our forces.

- Section 27(1)(a) (International Relations) has been applied because some of the information has the potential to adversely affect our security and safety abroad. The balance of the public interest test concluded that whilst release would increase public understanding and confidence in the relation the United Kingdom has with other international states with regards to sharing of information and protection of personnel and assets, the balance of the public interest lay in withholding this information.
- Section 31(1)(a) (Law Enforcement) has been applied to some of the information in scope of your request, as it outlines our key measures to protect sites both physically and electronically. This information could then be used by those with hostile intent. A public interest test has been conducted, and the balance of public interest lay against the release of this information, as it would be likely to prejudice the prevention or detection of crime.

Notwithstanding the above decision not to release JSP 440, the Ministry of Defence has an obligation to offer reasonable advice and assistance under Section 16, to help an applicant narrow and refine their request as appropriate.

In the specific circumstances of the context of your request we have decided to release a redacted extract from 2009 version of the chapter of JSP 440 dealing with destruction policy that was in place at the time. This is provided as a separate attachment.

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,

Defence Security