



Ministry
of Defence

[REDACTED]
DE&S Policy Secretariat Air

Defence Equipment and Support
Maple 0a #2043
MOD Abbey Wood South
Bristol BS34 8JH



Tel: [REDACTED]

[REDACTED]

Your Reference:

[REDACTED]

Our Reference:
FOI2015/01693
Date:
14 April 2015

Dear [REDACTED]

Thank you for your email of 12 February 2015 requesting the following information:

Please can I have a copy of the Tornado Collision Warning System Review Note dated 9 Jan 12, as referenced in the HQ No1 GP ODH Tolerable & ALARP Statement (Edition 3, issued on 22 Jun 12, and signed of on 31 Oct 13.

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

A search for the information has now been completed within the Ministry of Defence (MOD), and I can confirm that all the information in scope of your request is held.

The information you have requested can be found attached, but some of the information falls within the scope of the qualified exemptions provided for at sections 26 (Defence), 35 (Government Policy) and 43 (Commercial Interests) of the FOI Act and has been redacted.

Sections 26, 35 and 43 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) (a) and (b) has been applied to some of the information because it contains details that, in conjunction with information freely available in the public domain, would provide an operationally sensitive indication of military capability and would prejudice the capability and effectiveness of our armed forces. The balance of public interest was found to lie in favour of withholding the information given that, overall, the public interest is best served in not releasing information that would provide a tactical advantage to our enemies. I have set the level of prejudice against release of the exempted information at the lower level of "would be likely to" rather than the higher level of "would".

Section 35(1)(a) has been applied because some of the information relates to policy decisions that are presently under consideration. The public interest test concluded that whilst release would increase public understanding of the policy options open to MOD and lead to a greater confidence in the decisions made; the balance of public interest lay in withholding the information. There is a greater public interest in policy decisions being based on an unbiased assessment following a full

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and frank discussion of the merits and de-merits of a case and, in particular, in not limiting the policy options of an incoming government. I have considered it necessary to apply the lower level of prejudice against release of the exempted information “would be likely to” rather than the higher level of “would”.

Section 43(2) has been applied because some of the information relates to commercial relations between the MOD and its suppliers. The public interest test concluded that while there is a general presumption towards openness and a public interest in a greater public understanding of the relations between MOD and its suppliers; the balance of public interest nevertheless lay in withholding the information. Disclosure of the information would have a prejudicial effect on relations between the MOD and its suppliers and would therefore be prejudicial to the commercial interests of the MOD. There is a greater public interest in maintaining the ability of MOD to effectively conduct its commercial business. I have set the level of prejudice against release of the exempted information at the lower level of “would be likely to” rather than the higher level of “would”.

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.org.uk>.

Yours sincerely,

