



Ministry
of Defence

Navy Command FOI Section
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2015-02622

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30 September 2015

Dear [REDACTED]

Release of Information

I am responding to your email of 6 March 2015, which has been considered to be a request for information in accordance with the Freedom of Information (FOI) Act 2000 ("the Act").

You asked for:

Information concerning communications between, on the one hand, Michael Fallon and/or his office, and on the other hand, the Maritime Heritage Foundation, Lord Lingfield and/or Odyssey Marine Exploration.

I can confirm that the Ministry of Defence holds information in scope of your request.

The first occasion on which the subject of HMS Victory 1744 was brought to Mr Fallon's attention was the letter of 20 July 2014 from Lord Lingfield. A response was sent on 12 August 2014, and this was followed by two further letters on 6 September 2104 and 27 February 20015. Copies of all four letters are attached. Note: the letter of 6 September erroneously refers to the previous letter as having been sent on 13 August.

However, we believe that some of the information contained within these letters falls within the scope of the following qualified exemption(s):

- s40(Personal Data)
- s43(2)(Commercial Interests).

Section 40(2) applies to personal data relating to third parties. The release of personal information relating to other individuals would contravene the principles of the Data Protection Act 1998, namely Principle 1 – personal data shall be processed fairly and lawfully and not unless certain specified conditions are met, and Principle 2 – personal data shall be obtained and processed only for specified and lawful purposes and not further

processed in a manner incompatible with the purposes.

Under s43(2), information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). It is likely that some of the information may contain commercially sensitive material which, if disclosed, may prejudice the current and future commercial interests of the Department. In relation to Odyssey Marine Exploration (OME), the balance was found to lie in withholding information in the interests of preserving the ability of a company associated with MOD to continue to remain competitive in the commercial sector. In relation to MOD, it is determined that the balance of public interest lies in MOD's ability to achieve future value for money, goods and services, maintain the confidence of commercial suppliers by treating commercially sensitive information with discretion, thus avoiding any reputational damage and/or lack of trust between MOD and its suppliers or contractors.

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

Navy Command Secretariat – FOI Section