

From Andrew Tranham



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ISS SPP Information Rights Compliance –
Deputy Head

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(FOI2015/02136 & 03818)

Ms XXXXXXXXXX
Via email: XXXXXXXXXXXXXXXXXXXX

11 June 2015

Dear Ms XXXXXXXXXX

FREEDOM OF INFORMATION ACT 2000 – INTERNAL REVIEW

1. I am writing in response to your email of 24 February 2015, in which you expressed dissatisfaction with this Department's handling of your request for information under the Freedom of Information Act 2000 (the Act). The purpose of this review is to consider whether the requirements of the Act have been fulfilled. Its scope is defined by Part VI of the Code of Practice under section 45 of the Act, at: <http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section45-code-of-practice.pdf>. This is my formal response following the review.

Handling

2. In conducting my review of the handling of your request, I have focussed on the following requirements of the Act:

- a. Section 1(1)(a) which, subject to certain exclusions, gives any person making a request for information to a public authority the entitlement to be informed in writing by the public authority whether it holds information of the description specified in the request;
- b. Section 1(1)(b) which, subject to certain exemptions, creates an entitlement to receive the information held by the public authority;
- c. Section 10(1) which states that, subject to certain provisions allowing extensions of time, the public authority must comply with the requirements of section 1(1) promptly, and in any event not later than the twentieth working day following the date of receipt;

- d. Section 11(1) where, on making his request for information, the applicant expresses a preference for communication by any one or more of the following means, namely (a) the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- e. Section 21 which states information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

Your request of 24 February 2015 (ref FOI2015/02136) was received by the Department on 25 February and was as follows:

"I would like to see the latest Guidance Notes for the application forms to join the British Army, RAF and Royal Navy."

Section 10(1) of the Act requires public authorities to provide a substantive response within 20 working days following the receipt of the request, in this case 25 March 2015. The Department's response on 12 March was within the specified timescale. In accordance with section 1(1)(a) of the Act, the response confirmed that the information specified in the request was held by the Department but that it was exempt from release under the exemption at section 21 of the Act (reasonably accessible to the requester by other means) via Service careers websites and the links were provided. It further explained that:

"Guidance notes are no longer provided in separate documents but instead are incorporated on the online forms as helpful text links besides the appropriate questions. However, if a candidate requires further assistance in completing an application form they are advised to contact an Armed Forces Careers Office about aspect of the recruitment process".

The response concluded with the advice on your right to appeal, in the first instance to MOD and then if still not content following internal review, to the Information Commissioner under provision of section 50 of the Act.

3. On 23 March 2015 you replied with the further request:

"Could I have a transcript of the content of these 'helpful text links', as they are only otherwise accessible to me if I fill out an application form to join the armed forces? Could I also have a copy of the application forms?"

This was received by the Department on 24 March 2015 and a response was therefore due under section 1(1)(a) of the Act no later than 23 April.

4. Before receiving a response to the information request at para 3 you made a further request on 14 April 2015:

"I would like to request copies of the enlistment papers for the British Army, Royal Air Force, and Royal Navy, as well as any notes or documents which would normally accompany them".

This enquiry was acknowledged on 17 April 2015 and although this is not a statutory requirement of the Act I consider this good business practice to do. Under section 1(1)(a) you were due a response to this request no later than 14 May but I note that you were provided with a joint response to your second and third information requests on 22 April.

5. As in the previous response, you were advised that the information was held by the Department but that it was appropriate to apply the exemption at section 21 of the Act because it was reasonably accessible to you by other means i.e. via the links that were previously given to Service recruitment websites. You were also advised of your rights of appeal.

6. In summary, I find that the handling of your requests met the statutory timescale for responding as set out in Section 10(1) of the Act.

Substance

7. Turning to the substance of the responses provided to you, you were advised that the information sought was exempt under the exemption at section 21 of the Act (information reasonably accessible to the applicant by other means); section 21 is an absolute exemption meaning that it is not subject to a public interest test. However, in order to meet the requirements of section 1(1)(b), where the information is available on the internet I consider it essential that the requester be provided with the precise link or links to where the information in scope of their request can be found. In this case links were provided to the on-line recruiting websites for the Royal Navy, Army and Royal Air Force but as you highlighted on 23 March 2015, the full contents of the three Service recruitment websites are only accessible to members of the public if they register an interest in joining. I therefore find that it was inappropriate to apply the exemption at section 21 in this case because the information is only reasonably accessible to applicants for a Service career. As a consequence of this finding I am providing the information in scope of your request with this review.

Information in Scope

8. As part of this review, I have established that the type of the information held about recruitment and enlistment varies for each of the Services. I will therefore list the information that has been provided (minus a small amount of personal data which is withheld under the exemption at section 40 of the Act¹):

➤ **Royal Navy (RN)**

- Screen prints of the electronic application form which includes integral guidance
- RN Attestation Form S3049 which includes notes on completion

➤ **Army**

- Screen prints of electronic application form which includes integral guidance
- Army Enlistment Form B271A
- Enlistment Notes for potential entrants Army Form B271W²

➤ **Royal Air Force (RAF)**

- Screen prints of electronic application form
- "Preparing to Fill in Your Application" document
- "Online Application – Frequently Asked Questions" document
- RAF Enlistment Form and Terms and Conditions of Enlistment

¹ Section 40 is an absolute exemption and does not require a public interest test.

² Recruits are issued with the enlistment information document B271W **before** they complete the formal enlistment paper AF 271A.

The majority of the information is in electronic format but there are a few paper documents listed which are provided to supplement the information on-line. I must apologise that these documents were not identified previously.

Advice and Assistance

9. All three Services now operate electronic application systems and no longer accept paper applications. Applicants without access to the internet are not disadvantaged because internet facilities are available at Armed Forces Careers Offices at which candidates can complete an application with the assistance of recruitment staff. As you might expect, the three Service recruiting websites provide a large amount of information on all aspects of military life, including the many options open to persons interested in a Military career, the specialisms that can be chosen, commissioned or non-commissioned, full-time or reserve service. In addition, candidates can obtain information at any time, before or during application, by directly speaking to recruiters at the careers offices, or by phone or via on-line chat. There are also a number of films on www.youtube.com in the official accounts Royal Navy Recruitment, Army Jobs and Royal Air Force which are aimed at assisting would-be applicants.

Summary

10 In summary, I find that:

- Your request was handled in accordance with the Act;
- Information of the description specified in your request, whilst available on Service recruiting websites is only available to those registering an interest in a career in the Services whilst other supplementary information is only available off-line;
- The information requested is not reasonably accessible to you and the exemption at section 21 was not correctly engaged;
- Additional advice and assistance on the recruitment process has been provided to you as part of this review in accordance with section 16 of the Act.

If any aspect of this review is unclear, I should be happy to explain it. If you are dissatisfied with the review, you may make a complaint to the Information Commissioner under the provisions of section 50 of the Act. Further details of the role and powers of the Commissioner can be found on his website at: www.ico.org.uk. His address is: Information Commissioner's Office, Wycliffe House, Water Lane, WILMSLOW, Cheshire, SK9 5AF. Fax 01625 524 510.

Yours sincerely,
