



Ministry
of Defence



DE&S Policy Secretariat – Ships

DESSEC-PolSecShipsandSubs@mod.uk.

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

9-Aug-16

Our Reference: FOI2015-11867

Dear [REDACTED]

Request for Information under the Freedom of Information Act (FOIA) 2000

Further to my letter of 11 July 2016, I am now in a position to provide you with a substantive response to your FOI request, in which you requested the following information:

an electronic copy of pages 1 to 128 inclusive, Schedule 3 pages 330 to 335, Schedule 19 pages 467 to 493 and Schedule 21 pages 495 to 513 of Contract No SHIPACQ036.

You are aware that we have been treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA). I would like once again to apologise for the time taken to provide you with a full and substantive response.

I can confirm that the Ministry of Defence (MOD) holds information that falls within the scope of your request, and a copy of selected sections from the Demonstration Phase of the Type 26 Global Combat Ship contract is enclosed.

As I have advised in my previous letters updating you on our progress with handling your request some of the information has been withheld under the qualified exemption section 43(2) (Commercial Interests) of the FOIA. A Public Interest Test (PIT) was undertaken to determine whether, in all circumstances of the case, the public interest in maintaining the exemptions outweighed the public interest in disclosure. The PIT weighed the presumption of disclosure and enhancement of public accountability against whether reference to specific parts of the Contract and the Schedules could place at risk the commercial interests of one of the MOD's main contractors and prejudice its commercial interests. Although the FOI Act contains a presumption in favour of disclosure and there is a public interest in the release of information which supports the accountability of the MOD for its use of public money, for example, to demonstrate that value for money is being obtained for taxpayers and that effective contractual processes are in place, the PIT concluded that there were compelling grounds to withhold significant amounts of this information. The balance of public interest was found to be in favour of withholding selected sections of the information given that,

overall, the public interest is best served in not releasing any details that would prejudice any future competitive exercise by unfairly disadvantaging one of our principal commercial contractors. It is for these reasons I have set the level of prejudice against release of the exempted information at the higher level of "would" rather than "would be likely to".

Some of the information you requested falls entirely within the scope of the absolute exemption provided for at section 40 (Personal Data) of the FOIA and has been redacted. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

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 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 the case until the 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,

DE&S Policy Secretariat